

**RULES AND REGULATIONS  
OF  
THE KENTON COUNTY AIRPORT BOARD  
RELATING TO  
THE OPERATION AND CONTROL  
OF THE  
CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT**

**NOVEMBER 2020**

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**Ordinance of Kenton County Airport Board  
Adopting Rules and Regulations Relating to  
the Operation and Control of the  
Cincinnati/Northern Kentucky International Airport**

Recitals:

WHEREAS, the KENTON COUNTY AIRPORT BOARD operates the Cincinnati/Northern Kentucky International Airport, which is located in Boone County, Kentucky, pursuant to authority granted under Chapter 183 of the Kentucky Revised Statutes, and

WHEREAS, the Kenton County Airport Board find it necessary, desirable and appropriate to adopt certain rules and regulations to carry into effect the purposes authorized by Chapter 183 of the Kentucky Revised Statutes, and as provided for under Section 183.133(6) of the Kentucky Revised Statutes,

NOW, THEREFORE, the Kenton County Airport Board does hereby adopt, establish, ordain, make and enact the following Rules and Regulations:

**01.00 RULES AND REGULATIONS**

**01.01 DEFINITIONS**

(1) **Airport** - Includes all land and improvements thereon within the geographic boundary lines of the Cincinnati/Northern Kentucky International Airport, Boone County, Kentucky.

(2) **Board** - The Kenton County Airport Board.

(3) **Chief Executive Officer** - The person responsible for the operation and management of the Airport, and is appointed by the Board.

(4) **Chief Operating Officer** - The person responsible for the day-to-day operations of the Airport under general supervision of the Chief Executive Officer and appointed by the Board.

(5) **Person** - Any individual, partnership, firm, corporation, unincorporated association or any legal entity.

(6) **Aircraft Operator** - Any Person, company, or organization who uses, causes to be used, or allows use of an aircraft for air navigation or ground movements.

(7) **Ramp and Apron Area** - Areas of the Airport designated for the purpose of unloading and loading passengers, baggage, freight, mail, supplies and other cargo, to and from aircraft, for the purpose of performing such fueling and other ramp services or for the purpose of

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parking mobile equipment, actively used in connection with ramp operations, subject to reasonable rules and regulations regarding the use and operation of such equipment.

(8) **Vehicle** - Automobiles, trucks, buses, motorcycles, bicycles, push carts, and any other device in or upon the airport by which any Person or property is or may be transported, carried or drawn upon land, aircraft excluded.

(9) **Aircraft** - Any and all machines or contrivances used for navigation or flight in air or space.

(10) **Air Operations Area** - That portion of the airport used for aircraft landing, parking, enplaning and deplaning of passengers and all areas so designated by the Chief Executive Officer of the Airport.

(11) **Airport Police** - Airport Police shall be those Persons employed by the Board and who shall be charged with the responsibility of maintaining public order, safety and welfare and the enforcement of these Rules and Regulations.

(12) **Control Tower** - The aircraft control center operated by the Federal Aviation Administration of the United States Government and located on the Airport.

(13) **Accident** - Any event or incident causing personal injury or property damage.

(14) **Commercial** - Of, relating to, or connected with the actual or proposed sale, gift, exchange or solicitation therefor of goods, services, productions, or property or rights of any kind, whether for profit or not, notwithstanding the foregoing, a sale or exchange shall not be deemed commercial if the sale or exchange is made by or on behalf of an organization which is a federally tax exempt organization to which contributions are deductible in determining taxable income for federal tax purposes, and if the sale or exchange is made pursuant to said organization's tax exempt purposes and if the transaction is in compliance with other applicable sections of these Rules and Regulations.

(15) **Resolution** - This Ordinance.

(16) **Public Area or Public Areas** - Area or areas of the Airport under the exclusive control and supervision of the Board to which or into which members of the general public have uninhibited access subject only to the Rules and Regulations of the Board.

(17) **Tower Order** - Any written rule, regulation, policy or procedure used by the Federal Aviation Administration for the purpose of instructing Federal Aviation Administration aircraft controllers regarding restrictions on the use of runways at the Airport.

(18) **Agency** - Any airline, tenant, contractor or other Person or entity having an agreement with the Airport Board to do business on the Airport, including any subtenant or subcontractor thereof.

(19) **Ramp Citation** - A citation written by Airport Police and given to a Person for safety or security violations. Ramp Citations are on a form developed and prescribed by Airport Police. See Regulation 01.10(8) for applicable penalties and Regulation 01.105 for Enforcement.

(20) **Newsrack** - Any stand, shelf, display, table, device, rack, vending machine or other object or device used to sell, give, dispense or in any way distribute a newspaper, periodical, magazine, book, leaflet, handbill, advertisement, circular, or any other printed or written publication or material.

(21) **Newsrack operator** - Any Person who contracts with the Board to install, maintain or operate a newsrack or newsracks, or permit same, at the Cincinnati/Northern Kentucky International Airport.

(22) **Qualified Personnel.** A pilot who is type-rated to operate a designated aircraft or a Person who is properly designated by the Aircraft Operator pursuant to the Surface Movement Training Policy.

(23) **Surface Movement Training Policy.** The policy established by the Chief Executive Officer requiring training for Persons to conduct Engine Run-Ups and/or maneuvering of aircraft on behalf of an Aircraft Operator in the Movement Area of the Airport, which policy requires an Aircraft Operator to annually submit a letter of verification to the Chief Operating Officer designating those Persons that have completed such training and are Qualified Personnel on behalf of the Aircraft Operator, as such policy may be amended and supplemented from time to time.

(24) **Service Animal** - is an animal that is trained to do work or perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability.

(25) **Miniature Horse** – a horse that generally ranges in height from 24 inches to 34 inches measured to the shoulders and generally weighs between 70 and 100 pounds that have been individually trained to do work or perform tasks for people with disabilities.

(26) **Autonomous Vehicles** - Autonomous Vehicles means any vehicle or equipment navigated or maneuvered without the need for human control or intervention under a range of situations and/or conditions.

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(27) **Risk Manager** - The person responsible for identifying, evaluating, and assessing risks at the Airport and recommending preventive measures under the general supervision of the Chief Executive Officer.

## **01.02 COMMERCIAL ACTIVITY**

(1) **Conduct of Business** - No Person shall conduct, for commercial purposes, any activity or business at or from the Airport, except by contract with the Board. No Person shall use, for commercial purposes, the Airport for revenue-producing activities, except by contract with the Board.

(2) **Advertisements** - No Person shall, for commercial purposes, post, distribute or display signs, advertisements, circulars, or any other printed or written matter at the Airport, except by contract with the Board.

(3) **Parking and Storage of Aircraft** - No Person shall use any area of the Airport for parking and/or storage of aircraft, except by contract with the Board.

(4) **Soliciting** - No Person shall solicit, for commercial purposes, funds for any purpose at the Airport, except by contract with the Board.

(5) **Picketing, Marching and Demonstrating** - No Person shall, for commercial purposes, conduct or participate in parading, marching, patrolling, demonstrating, distributing of pamphlets or other materials, carrying or displaying of signs or placards in or upon buildings, grounds, roads, walks, approaches or any other property of the Airport, except by contract with the Board.

(6) **Federal, State, and/or Local Laws or Regulations** - Every Person using the Airport shall comply with all federal, state, and/or local laws, regulations, orders and/or decisions, including those of executive, legislative or judicial agencies or bodies, now or hereafter in effect, and applicable to the Person's use of the Airport.

Every tenant and/or lessee of the Board, or any other Person doing business with the Board or at the Airport, shall comply with all federal, state, and/or local laws, regulations, orders and/or decisions, including those of executive, legislative, or judicial agencies or bodies, now or hereafter in effect, and applicable to that tenant's, lessee's, or other Person's operations at the Airport.

(7) **Newsracks** - No Person shall sell, give, dispense or in any way distribute written or printed publications or materials by use of a newsrack or newsracks, or permit same, except pursuant to this Regulation.

(A) No Person shall install, maintain or operate a newsrack or newsracks, or permit same, except by contract with the Board.

(B) The Board recognized that the rights and convenience of Persons using the Airport are enhanced by making newspapers and other publications widely available. Therefore, the Board concludes that it would be advantageous to permit the sale, gift, distribution and dissemination of newspapers and other publications by use of newsracks at selected locations, in order to supplement the availability of such materials elsewhere at the Airport by making newspapers and other written or printed publications or materials available to those using the Airport on a convenient 24-hour basis.

(C) In order to facilitate and promote safety and convenience of the users of the Airport and to protect aesthetics and interior design considerations, and further, to avoid congestion and delays caused by potential situations that could impede or hinder the orderly flow of pedestrian traffic, newsracks shall be installed, maintained and operated only as follows:

- (1) Newsracks shall be placed only in the approved locations set forth in Exhibit "A", which is attached hereto and incorporated herein by reference.
- (2) Newsracks shall be black TK49 or TK-100 or similar. All newsracks shall be installed in accordance with manufacturer's recommendations of modular specifications in a group consisting of a maximum of ten (10) newsracks per location.
- (3) Each such group of ten (10) (maximum) newsracks shall be bolted or fastened to the floor or wall as directed by Airport maintenance department.
- (4) Each newsrack shall be supplied frequently and shall be kept in clean, neat and attractive condition and in good repair at all times. Publications shall be restocked when depleted, and all superseded publications shall be removed and replaced with the then current edition. Any newsrack left empty or otherwise not in compliance with these Rules and Regulations for forty-eight (48) hours after notice given to the newsrack's operator by an Agent of the Airport shall be cause for termination of that newsrack operator's contract. Termination for cause shall be sufficient grounds for the Airport to impound and store all newsracks of offending newsrack operator.

- (5) Each newsrack operator shall pay an annual permit or license fee of twenty dollars (\$20.00) per newsrack to the Board for the privilege of operating its newsracks at the Airport.
- (6) No advertisements or other materials other than the name of the publication shall be displayed, posted or permitted to exist upon the newsrack.
- (7) No obscene or illegal material shall be permitted to be displayed, posted or permitted to exist upon the newsrack; nor shall any such obscene or illegal material be permitted to be sold, given, dispensed or in any way distributed by any newsrack.
- (8) Each newsrack operator shall protect, save, indemnify and hold harmless the Airport, its officers, directors, board members, employees and agents from any loss, claim or damages arising out of that newsrack operator's placement, use or maintenance of its newsrack(s).

(D) Any contract or permit allowing the installation, maintenance or operation of a newsrack or newsracks shall be awarded without discrimination and without regard to content of any publication, provided, however, that no newsrack shall be permitted to dispense, vend, distribute or display illegal or obscene material.

(E) Existing newsrack operators may continue to operate their newsracks provided they comply in all respects to these Airport Rules & Regulations. If a newsrack operator fails to renew its contract or if that newsrack operator's contract expires or is terminated for any reason, then all newsrack spaces of that newsrack operator shall be deemed to be available.

The Board may allocate additional newsrack spaces if it, in its sole discretion, determines that such additional newsracks may be added safely and will not adversely affect the aesthetics and interior design nor impede or hinder the orderly flow of pedestrian traffic at the Airport. In addition to the foregoing, without further need to amend the Rules and Regulations and without further Board action, the Chief Executive Officer may, add, delete, or relocate newsrack locations to provide for the orderly flow of pedestrian traffic, or in the interest of safety, aesthetics, security, or as may be required by construction, renovation, demolition or improvements at the Airport. Such additions, deletions, or relocations shall be authorized in writing by the Chief Executive Officer which writing shall contain an amended Exhibit "A" and be filed with the Secretary of the Board.

Available newsrack spaces shall be awarded on a first-come, first-served basis to those who have filed requests with the Board. The Board shall maintain a list of requests containing the name of the requesting Person, firm or publication, a contact Person with his or her name,

address and telephone number, and the date and time of the request. A newsrack space shall be assigned in each available location to the requesting party that appears next on the list.

(F) The Board shall have the right, at any time and from time to time, to require any newsrack operator to relocate or move newsracks in an effort to provide for a safer or more efficient allocation or placement of newsracks.

**(8) Motor Vehicle Food Vendors** - No person shall operate, or cause to be operated, a motor vehicle in connection with furnishing food, snacks, or beverages for sale at the Airport except pursuant to a contract with the Board.

**(9) Work at the Airport** - Any public utility desiring to conduct any work at the Airport shall provide notice to the Airport's Planning and Development Department prior to commencing any such work, excepting exigent circumstances when it is not possible to provide advance notice, in which case the public utility will provide notice as soon as reasonably possible. No other Person shall perform any alterations, improvements, repairs, construction, or other similarly related work (i) within the terminal buildings and the Restricted Areas, or (ii) on other Airport property that is not under lease with the Board, without first obtaining a permit issued by the Airport's Planning and Development Department. The permit shall be on display continuously for the duration of the work at the Airport. The form of the application and permit shall be as prescribed by the Airport's Planning and Development Department. The permitting process is for the Airport's internal purposes only and does not relieve any Person from compliance with all other applicable laws related to the work. The permitting process shall not be construed to be approval for architectural or engineering design or compliance with applicable laws or codes. This Regulation 01.02(9) shall not apply to employees of the Board or Persons under contract with the Board to perform work.

**(10) Letters of Agreement with the FAA** – Any letters of agreement, or any amendments thereto, between the FAA and any third party applicable to the Airport shall hereafter be delivered to the Chief Operating Officer for review and submittal to the Chief Executive Officer for approval prior to execution.

**(11) Autonomous Vehicles** - The Board desires to support the proper integration of Autonomous Vehicles into the operations of the Airport.

(A) The use of Autonomous Vehicles for business operations is authorized on the Airport. This includes, but is not limited to, the use of Autonomous Vehicles on roadways owned by the Board, within the terminal buildings at the Airport, and in the Air Operations Area of the Airport; provided that, any Person utilizing Autonomous Vehicles at the Airport shall at all times:

- (1) Comply with all federal, state and local laws, regulations or orders with regard to the Person's use of Autonomous Vehicles;

- (2) Provide prior written notice to the CEO of the desire to utilize Autonomous Vehicles at the Airport. The prior notice shall include:
  - a. All relevant information and material concerning the desired use of Autonomous Vehicle at the Airport;
  - b. The geographic area of the use;
  - c. The intended use; and
  - d. Any other information as the CEO may require.
- (3) Operate the Autonomous Vehicle only if approved by permit issued by the CEO on a form prescribed by the CEO, which permit shall include a release and indemnification in favor of the Board for such activities;
- (4) Display the permit or decal issued by the CEO on the Autonomous Vehicle and/or mark and keep marked the Autonomous Vehicle as may be required by the CEO at all times while on Airport;
- (5) Operate the Autonomous Vehicles consistent with the permit and only in such locations that have been approved by the CEO;
- (6) Ensure that the Autonomous Vehicle continues to utilize all safety precautions and advancements and enhancements to provide for the safe operation of the Autonomous Vehicle to avoid any injury to any Person or property;
- (7) Ensure the Autonomous Vehicle uses onboard sensor(s), camera technology, or other integrated equipment that enable the Autonomous Vehicle to safely operate including, but not limited to, crash avoidance systems, electronic blind spot assistance, automated emergency braking/stop/safe return systems, park assistance, lane assistance or other similar systems that enhance safety;
- (8) Adhere to such standards and manuals the CEO may develop and implement from time to time with regard to utilization of autonomous vehicles and/or equipment on the Airport;
- (9) Comply with all directives issued by the CEO whether written or oral while operating at the Airport;
- (10) Maintain insurance coverages as determined from time to time by the Risk Manager of the Airport and provide continuing

confirmation of required insurance coverages in accordance with the permit.

(11) The CEO shall have the right in his or her discretion to approve, deny or revoke a Persons' use of Autonomous Vehicles at the Airport at any time by providing oral or written notice to the Person.

(12) All actions to be taken by the CEO under this Subsection 11 may be undertaken by a designee(s) of the CEO.

(B) The Board may suspend the use of any Autonomous Vehicles at the Airport at any time, in whole or in part, in the interest of safety and security. In that event, the Board will provide notice of the suspension, appropriate actions, and a determination on the revocation of the suspension, to all affected Persons with a permit.

(C) The CEO is permitted to deploy Autonomous Vehicles at the Airport for the business purposes of the Board as may be approved from time to time by the CEO.

### **01.03 AIRCRAFT OPERATIONS**

The Chief Executive Officer or the Chief Operating Officer may prohibit aircraft from landing or taking off at any time when or under circumstances which he or she deems such landings and take-offs likely to endanger Persons or property.

All aircraft shall be operated in conformity with federal, state and local laws and regulations.

**(1) Radio** - All Aircraft entering the control zone of the Airport must have two-way radio capable of communicating with the Control Tower for landing, take-off, and taxiing instruction.

**(2) Starting Aircraft Engines** - Only pilots or Qualified Personnel will start aircraft engines.

**(3) Aircraft Parking** - Overnight parking of aircraft shall be only in areas designated for such purpose by the Chief Executive Officer or the Chief Operating Officer. Aircraft operators or owners shall be responsible for the safety of their aircraft and shall have aircraft either tied down or chocked properly.

Every aircraft parking on a public aircraft ramp or apron area, public passenger ramp or apron area, or public cargo ramp or apron shall have its running lights or ground blinker lights outlining aircraft turned on during the hours between sunset and sunrise.

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For the enplanement and deplanement of aircraft passengers, aircraft shall use gates as directed by the Chief Executive Officer or Chief Operating Officer.

**(4) Ramp Cleanliness** - During shut down, starting, or servicing of any aircraft, if fuel, oil, hydraulic fluid or other material is deposited on the ramp, the operator or operators of the aircraft shall be responsible to have such deposits removed.

**(5) Aircraft Accidents** - The pilot or aircraft operator of any aircraft involved in any accident as defined by 49 CFR 830 or excursion from normal operating surfaces causing personal injury or property damage at the Airport shall be reported immediately to the Chief Operating Officer or Chief Executive Officer. After resolution of the event, the aircraft operator shall make a prompt and full report of said accident to the Chief Executive Officer or Chief Operating Officer, and comply with all applicable federal laws for the reporting of said accident or excursion.

The owner shall be responsible for the prompt disposal of disabled aircraft at the Airport after release by the National Transportation Safety Board and/or the Federal Aviation Administration and the Board.

If an aircraft accident occurs, only personnel authorized by the Board will proceed to the accident.

**(6) Authority to Deny Use of Airport** - The Chief Executive Officer or Chief Operating Officer shall have the authority to deny the use of the Airport to any aircraft or pilot violating Airport or Federal regulations, whether at this Airport or elsewhere.

**(7) Airport Control** - All aircraft shall be operated under the direction of the Federal Aviation Administration ("FAA") Control Tower. No aircraft shall be operated except upon paved runways and taxiways, and only in such manner as directed by the Control Tower.

Any Person using the Airport for landing or take-off of aircraft, specifically including but not limited to airlines, charter operators, and air cargo operators shall comply with all lawful federal laws, rules, regulations and Tower Orders or FAA directives with similar effect, that apply to aircraft operations at the Airport.

All aircraft shall observe and be governed by directives (covering but not limited to altitudes and traffic patterns applicable to the airport traffic area), imposed from time to time by the Chief Executive Officer and/or the FAA for use and control of aircraft, for the safety and protection of the Airport, and approved, if necessary, by the authorized agencies of the United States Government. Any violation of such directives or restrictions in the operation of aircraft shall be deemed a violation of these Rules and Regulations.

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**(8) Aircraft Charges** - All aircraft using the Airport facilities shall pay such charges, rates or fees as may from time to time be established by the Board, either by contract or by rates applicable to non-contract users. Use of the Airport may be denied by the Chief Executive Officer or Chief Operating Officer unless satisfactory arrangements have been made for payment of such charges.

**(9) Taxiing of Aircraft -**

(A) No Person may move an aircraft on the Airport in a careless or reckless manner.

(B) No Person may start or run an engine in an aircraft on the Airport unless there is a competent Person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes.

(C) No Person may run an engine of an aircraft parked on the Airport in a manner that damages any other property or aircraft, or that blows paper, dirt, or other material across taxiways or runways, so as to endanger the safety of operation of the Airport.

(D) Each Person operating an aircraft on a part of the Airport that is not under the direction of air traffic control shall comply with the orders, signals, and directions of the authorized representative of the Chief Executive Officer.

(E) No Person may start or taxi any aircraft on the Airport in a place where the exhaust blast is likely to cause injury to Persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desired destination.

(F) Each Person operating a large propeller-driven aircraft shall lower its flaps when taxiing out of an aircraft gate position.

(G) No Person may move a rotorcraft at a place on the Airport (other than a heliport) while its rotors are turning unless there is a clear area of at least 50 feet from the outer tip of each rotor. No Person may move a rotorcraft at a heliport while its rotors are turning unless there is a clear area of at least 20 feet from the outer tip of each rotor.

**(10) Areas for Enplaning and Deplaning** - No aircraft operator shall be permitted to enplane or deplane passengers except in areas designated for such purpose by the Chief Executive Officer or the Chief Operating Officer which said officials shall have authority to designate positions for such activities. All loading and unloading of aircraft shall be made in strict compliance with directives of the Chief Executive Officer of the Airport.

**(11) Cleaning and Maintaining Aircraft** - Cleaning of or otherwise maintaining aircraft shall be accomplished only in areas designated for that purpose by the Chief Executive Officer or Chief Operating Officer.

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**(12) Care of Apron Areas** - Any Person, including the operators of aircraft, causing overflowing or spilling of excess fuel, oil or grease on any apron areas shall be responsible for cleaning such areas.

**(13) Disabled Aircraft, Vehicles or Equipment** - - An operator is responsible for the removal of disabled aircraft, equipment or vehicles in the Air Operations Area. The Board reserves the right, at the expense of the operator, to engage a contractor to remove disabled aircraft, equipment or vehicles in the Air Operations Area when the Chief Operating Officer, or his/her designee determines that said disabled aircraft, equipment or vehicle is interfering with operations of the Airport. If the Board engages a contractor for the removal, the operator shall pay for the removal within fifteen (15) days of being invoiced.

## **01.04 SAFETY AND SECURITY REGULATIONS**

**(1) Definitions.** As used herein in this Regulation 01.04, the following terms shall have the following meanings:

**(A) Air Operations Areas (AOA).** That portion of the Airport, specified in the Airport Security Program in which security measures specified in 49 CFR Part 1500 are carried out. This area includes aircraft movement areas, aircraft parking areas, loading ramps, and safety areas for use by aircraft regulated under 49 CFR Parts 1544 or 1546, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures. This area does not include the secured area.

**(B) Aircraft Fuel Servicing Hydrant Vehicle.** A vehicle equipped with facilities to transfer fuel between a fuel hydrant and an aircraft.

**(C) Aircraft Fuel Servicing Tank Vehicle.** A self-propelled vehicle having a cargo tank for the transportation of aviation fuel.

**(D) Airport Fire Chief.** Means the Chief of the Airport Fire Department employed by the Board and responsible for the day-to-day operations of the Airport Fire Department under the general supervision of the Chief Executive Officer, Chief Operating Officer or such other designated representative of the Board.

**(E) Airport Fire Department.** The department at the Airport vested with the responsibility for the prevention, extinguishment, suppression and control of fires at the Airport.

**(F) Airport Security Program (ASP).** A security program approved by TSA under § 1542.101 of 49 CFR Chapter XII.

(G) **Airport Security Coordinator.** Person designated by the Board charged with the authority and responsibility to implement and enforce the Airports Security Program, employed by the Board and under the direction of the Chief Executive Officer, or such employees designated representative.

(H) **Airport Tenants.** Individuals, partnerships, corporations, or other business entities, and their agents, employees, and subtenants, that occupy or control part or all of areas, buildings, or other facilities at the Airport, which they lease from the Board.

(I) **Authorized Persons.** Those Persons authorized with a Personnel Identification Badge issued by the Airport Security Coordinator, or designated representative, to have access to all or certain identified areas of the SIDA. No Person under the age of fifteen (15) years shall be issued a Personnel Identification Badge.

(J) **Deadman Flow Control.** A device that needs a positive action by a Person to allow the flow of fuel.

(K) **Engine Run-Up Policy.** The policy established by the Chief Executive Officer providing procedures to perform an Engine Run-Up for maintenance or operating an aircraft, as such policy may be amended and supplemented from time to time.

(L)(1) **Engine Run-Up.** Any activity by an Aircraft Operator, other than aircraft taxi, take-off, or landing that requires engine power above idle.

(L)(2) **Full-Power Run-Up.** An Engine Run-Up that utilizes more than eighty percent (80%) of engine power.

(L)(3) **Extended Full-Power Run-Up.** A Full-Power Run-Up that lasts longer than two (2) minutes in duration.

(M) **Escort.** A Person authorized to accompany or monitor the activities of an individual who does not have unescorted access authority into or within a secured area of SIDA, and/or Air Operations Area.

(N) **FAA.** The Federal Aviation Administration

(O) **Firearm.** For this Section only, firearm means any item from which a shot may be fired by the force of an explosion, including starter pistols, compressed airguns, BB-guns and flare pistols.

(P) **Hearing Officer.** A designated representative who will conduct hearings pursuant to the provisions of these Rules and Regulations.

(Q) **Movement Area.** The taxiways, runways, and other areas of the AOA at the Airport that are under the control of the Control Tower.

(R) **Non-Movement Area.** All other portions of the AOA at the Airport outside of the Movement Area.

(S) **Personnel Identification Badge (I.D. or Identification Badge).** Identification for Authorized Persons containing the individuals name, company name and photograph and include Airport-Issued Personnel Identification Badges issued by the Board to an Authorized Person for performance of the Persons job duties within the SIDA.

(T) **Personal Identification Number (PIN).** The individual access entry number that works in conjunction with the Airports Issued Personnel Identification Badge to allow entry into Restricted Areas.

(U) **Restricted Area.** Is used interchangeably with SIDA, and includes any area not open to the general public.

(V) **Revocation.** The discontinuance of a Person's ability to access Restricted Areas. This includes, but is not limited to, revoking or restricting the Persons Personnel Identification Badge.

(W) **Security Access System.** Equipment installed or placed by or under the direction of the Board, or designated representative, to monitor or control entrances to and exits from Restricted Areas. Security devices include, but are not limited to, bells, sirens, communication equipment, locks and corresponding keys, emergency exits, electronic access control and other security equipment.

(X) **Secured Area.** A portion of an airport, specified in the airport security program, in which certain security measures specified in Part 1542 of 49 CFR Chapter XII are carried out. This area is where aircraft operators and foreign air carriers that have a security program under Part 1544 or 1546 of 49 CFR Chapter XII enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures. At the Airport, the Secured Area includes all outside ramp areas within the perimeter fence (except for those areas identified as AOA), all baggage make-up areas, and designated internal areas of the Ameriflight building, the Delta Air Line's maintenance hangar and cabin services building.

(Y) **Security Identification Area (SIDA)-Used interchangeably with Restricted Area.** That portion of the Airport specified in the airport security program, in which security measures specified in 49 CFR Part 1540 are carried out. This area includes the secured area and may include other areas of the Airport. At CVG the SIDA is identified as all Secured Areas, AOA and all non-public restricted areas located in the sterile areas. These restricted areas include areas designated by vendors and tenants as non-public work areas (i.e., kitchens), storage

and warehousing areas used by vendors and tenants and non-public offices located beyond 49 CFR §1542.207(b) doors in the sterile areas.

(Z) **Security Perimeter.** The portion of the Airport that is enclosed by fencing, walls or other barriers, and to which access is controlled through designated entry points.

(AA) **Security Screening Area.** An access point of a Sterile Area where Persons and belongings are inspected prior to entrance. This area includes both entrance and exit points to the Sterile Area.

(BB) **Sterile Area(s).** A portion of an airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator under Part 1544 of 49 CFR Chapter XII or a foreign air carrier under Part 1546 of 49 CFR Chapter XII, through the screening of persons and property.

(CC) **Suspension.** Temporary discontinuance of a Persons ability to access Restricted Areas. This includes, but is not limited to, suspending or restricting the Persons Personnel Identification Badge.

(DD) **TSA.** Transportation Security Administration.

(2) **Adherence to Airport Security Directions .** All Persons will obey lawful orders and directions of Airport Police Officers or other Persons responsible for insuring compliance with these Rules and Regulations. All orders or directions will be consistent with the Airport Master Security Program, Board Rules and Regulations, and applicable state, federal and local laws.

(3) **Unauthorized Entry and Exit/Inspection.**

(A) **Unauthorized Entry and Exit.** No Person will seek entry to or exit from the SIDA except through designated entrances and exits. No Person will seek entry to or exit from SIDA over, under or through fencing, walls, windows, air or other vents or marked fire exits except in an emergency.

(B) **Inspections.** No person shall enter the Air Operations Area, Airport Security Area or a Restricted Area of the Airport, except persons who enter pursuant to Section 3 of this chapter, or employees of federal, state or local government bodies then having proper business thereon and bearing proper identification. No person entering or attempting to enter, being within, or departing from or attempting to depart the Air Operations Area, Airport Security Area or Restricted Areas of the Airport, shall refuse to produce for inspection at the request of the Airport Security Coordinator, designated employee or any law enforcement officer, a Personnel Identification Badge or the contents, or both, of any Vehicle, bag, case, parcel, box or container of any kind in his/her possession. Where the entry into, departure from, or attempt thereof is by

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means of a Vehicle, no person shall refuse to produce for inspection, after such request, a drivers license or department vehicle permit. No person shall refuse to produce at the request of the Airport Security Coordinator, designated department employee or any law enforcement officer any document in his possession relating to the ownership or possession of cargo or freight upon entering, leaving or being within the Air Operations Area, Airport Security Area or any Restricted Area.

**(4) Entering a Security Area by Following Another (Piggybacking).** No Person will enter or allow another to enter into Restricted Areas except by using their Personnel Identification Badge and PIN. No Person will follow another into Airport Security Area without first using their Personnel Identification Badge through any electronic access installed at the entry point. Every Person must ensure that no other Person enters the Restricted Area while the gate/door is open. This provision does not apply to a Person under Escort.

**(5) Walking across the Ramp.** All pedestrians will walk only on designated pedestrian walkways in restricted areas and/or the AOA except to the extent necessary to perform and/or to provide services on behalf of the Board, a tenant of the Board or a contractor performing work at Airport.

**(6) Tampering with Security Device .** No Person will tamper with or in any way hamper the effective operation of the Security Access System.

**(7) Driving into a Security Area Behind Another (Tailgating).** No Person will drive a vehicle into Restricted Areas unless the Person has used their Airport - Issued Personnel Identification Badge and PIN to open any electronic access installed at the entry point. No Person will allow other vehicles to follow or tailgate into Restricted Areas. This provision does not apply to vehicles under Escort.

**(8) Operating Vehicles and Motorized Equipment.** No Person will operate any vehicle or motorized equipment in Restricted Areas except Persons eighteen (18) years of age and older who possess a valid state driver's license, and:

- (A) Have been issued and possess an Airport - Issued Personnel Identification Badge designating the Person as authorized to drive and assigned to work within Restricted Areas.
- (B) Are Persons under escort by an Airport Police or Fire Vehicle.
- (C) Are Persons under escort by the Airports contract escort service.
- (D) Are operating in accordance with the classification of the roadway as set forth on Exhibit "C."

No Person under the age of Eighteen (18) years shall be permitted to operate any Vehicle or Motorized Equipment in the Restricted Area, including any operation in which such Person is being escorted

**(9) Identifying Vehicles Authorized in Airport Security Area/Consent to Inspection.** Vehicles within Restricted Areas must be readily identifiable, must display a decal or sign of the agency name and/or logo on both sides of the vehicle that is readable at a distance of no less than 250 feet and must display a ramp permit registered with the Airport Police Department. Board vehicles and federal government vehicles shall display approved flags in lieu of a decal and ramp permit.

(A) Construction vehicles requiring access to the Air Operations Area must be properly identifiable with company names and ramp permit. Special equipment such as cranes, bulldozers, etc. will be exempt from this requirement.

(B) Vehicles having no distinctive markings will be required to be escorted by authorized vehicles under radio control.

(C) Consent to Inspection. Any Vehicle and the contents thereof, entering, departing from, or being in the Air Operations Area, Airport Security Area or other Restricted Areas, shall be subject to inspection by the Airport Security Coordinator, designated department employees, or any law enforcement officer, for the purposes of determining ownership of such Vehicle and contents thereof, and for examining the documentation relating thereto. The operation or use of a Vehicle by any person into, from or within the Air Operations Area, Airport Security Area or a Restricted Area of the Airport shall constitute the consent of the owner, operator and/or user of such vehicle to the aforesaid inspection. Inspections relating to U.S. Customs bonded cargo and customs seals shall be subject to the rules and regulations of the United States Customs Service.

**(10) Clear Zone Maintained.** No Person will park, store or place an item within four (4) feet of either side of a Security Perimeter fence. This four (4) foot area will be referred to as the clear zone.

**(11) Non-Vehicle Escorts .** A Person performing an Escort must, at all times, be in a position to actively monitor, direct and control the movements and actions of the accompanied Person(s). Escorts shall only be permitted in the performance of direct job duties. A Person who has been issued an Airport-Issued Personnel Identification Badge may NOT be escorted by another. A Person who has been issued an Airport-Approved Identification Badge may be escorted by another only in those areas where the Airport-Approved Identification Badge does not permit access.

**(12) Vehicle Escorts.**

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(A) Only the Airport Police, Airport Fire Department, escorts under contract with the Board to perform vehicle escort services, and contractors specifically approved by the Chief Executive Officer, shall be permitted to escort vehicles on the ramp road and across taxi lanes of the Air Operations Area provided that no vehicle shall escort more than four (4) vehicles at one time.

(B) Airport Tenants with an Airport - Issued Personnel Identification Badge designating the Person as authorized to drive within Restricted Areas may only escort vehicles within their leasehold area and shall not be permitted to escort more than two (2) vehicles at one time.

(C) Vehicle operators shall follow all directions of escorts. Escorts may park vehicles in a safe position and leave the escorted area only if the vehicle operator has a valid Identification Badge and the vehicle will not be moved to any other locations. Escorts must be called back prior to any additional vehicle movement.

**(13) Pulling More Than 4 Carts.** A tug shall not pull more than four tandem carts, except when operating in an Airlines exclusive use area.

**(14) Failure to Yield to Aircraft.** All vehicles will yield the right of way to aircraft and will be operated to avoid interference with aircraft operations or other vehicle traffic.

**(15) Driving Outside the White Lines.** All vehicles operating on the AOA will travel within the white lines that designate the ramp road, unless operating in their own leasehold area.

**(16) Driving Within 150 Feet to the Rear of a Taxiing Aircraft** All vehicles and motorized equipment must pass to the rear of taxiing aircraft at a safe distance (at least 150 feet).

**(17) Careless/Reckless Operation of Vehicle on AOA.** Motorized equipment and vehicles in the AOA will not be driven in a careless or reckless manner.

**(18) Speeding.** All vehicles and motorized equipment shall abide by all posted speed limits on the Air Operations Areas.

**(19) Disregarding Stop Sign.** All vehicles and motorized equipment shall come to a complete stop at all white hold lines and at all posted stop signs.

**(20) All State Laws Applicable to Vehicles on the AOA.** The laws of the Commonwealth of Kentucky in regard to the operation of motor vehicles, including traffic regulation, are hereby made applicable to the operation of motor vehicles on the AOA. Any Person violating any provision of the Kentucky Revised Statutes shall be subject to the penalties provided therein.

**(21) Passengers to be in Affixed Seat Or Designated Area.** Passenger(s) must be seated in seats permanently affixed to the vehicle or must ride in areas of the vehicle designated for passenger travel.

**(22) Smoking.** No Person will smoke or carry lighted cigars, cigarettes, pipes, matches, or use any electronic cigarette, or any open flame in or upon any fuel storage area, public landing area, public ramp or apron area, public passenger ramp and apron area, public cargo ramp and apron area or public aircraft parking and storage area, on any open deck, gallery or balcony contiguous to and overlooking any such area, in any other place where smoking is specifically prohibited by signs, or upon any open space within fifty (50) feet of any fuel service vehicle which is not in motion.

**(23) Vehicle Registration.** All vehicles operating on the Air Operations Area shall be registered with the Chief Executive Officer and no vehicle shall be operated in such area unless so registered and the approval of such operation is granted by the Chief Executive Officer or Chief Operating Officer.

**(24) Vehicle Equipment.** Vehicles operating on runways and taxiways shall be equipped with a two-way radio for communication with the Control Tower, unless escorted by authorized vehicles, or such other safety equipment as may be directed by the Chief Executive Officer or Chief Operating Officer.

**(25) Delivery Vehicles .** Delivery vehicles will enter the AOA through the perimeter checkpoint located at the gate off Logan Road (maintained by an Airport contract Person Monday through Friday from 8:00 AM to 5:00 PM) and must be escorted at all times. Each such vehicle shall display a ramp pass issued by the personnel on duty at the gate.

**(26) Dangerous Vehicles or Equipment.** All vehicles and motorized equipment shall not be constructed, equipped or loaded so as to be a danger or likely to endanger Persons or property.

**(27) Issuance of Airport-Issued Personnel Identification Badges.** Before any Airport-Issued Personnel Identification Badge is issued to any Person such Person shall be subject to the necessary background check as required under 49 CFR Part 1500 and any corresponding regulations issued by the TSA, as such may be amended or superseded from time to time. In addition any Person, who is found to have multiple, (two or more), previous convictions for misdemeanor theft of any type, from any jurisdiction, within the ten years previous to the date of the background check, shall be denied an Airport-Issued Personnel Identification Badge. If any Person who has been issued an Airport-Issued Personnel Identification Badge is subsequently convicted of a misdemeanor or felony theft of any type, which theft occurred at or in connection with the Airport, the Board may, in its sole discretion, revoke and/or refuse to renew such Persons Airport-Issued Personnel Identification Badge and may deny issuance of a new Airport-Issued Personnel Identification Badge to such Person for a period of ten (10) years. Violations of this provision may subject said individuals to penalties provided for under applicable local, state and federal laws.

**(28) Surrendering Airport-Issued Personnel Identification Badges.** Each employer, whether a tenant of the Board or a contractor performing work at the Airport, of a Person to whom a Airport-Issued Personnel Identification Badge has been issued by the Board shall surrender to the Chief Operating Officer of the Board or his designee the Badge within three (3) business days of the completion of each and every said Persons services at the Airport and/or the termination of said Persons employment at the Airport. The surrendered badge shall be returned, along with the following information, at a minimum, on a form and in a manner directed by the Chief Operating Officer or his designee:

- (A) The full name, mailing address and telephone number of the subject Person.
- (B) The date on which the Persons badge was rendered invalid by either completion of services and/or termination of employment at the Airport.

**(29) Displaying Badge.** Authorized Persons will display their valid Personnel Identification Badge whenever they are within the SIDA. The badge will be displayed on the Persons outermost garment, above the waist, and in plain view at all times.

**(30) Misuse of Badge.** No Person will falsify, forge, counterfeit, alter or tamper with any Personnel Identification Badge.

**(31) Using the Badge of Another.** No Person will use or attempt to use anothers Personnel Identification Badge for any purpose whatsoever.

**(32) Allowing Another to Use Badge.** No Person will allow or permit another Person to use or attempt to use their or any other Persons Personnel Identification Badge, for any purpose whatsoever.

**(33) Expired Badge.** No Person will use or attempt to use an expired Personnel Identification Badge for entry into, exit from, or while inside of an Airport Security Area.

**(34) Performance of Job Duties .** Within Restricted Areas, Personnel Identification Badges will be used only in direct performance of an Authorized Persons official job duties.

**(35) Notify of Changes.** Each Person with a Personnel Identification Badge will notify the ID Department within ten (10) days of a change in the Persons name or home address.

**(36) KCAB Property .** Personnel Identification Badges are the property of the Board. They must be returned to the Airport upon Revocation, Suspension, or upon demand of the Board. See also Regulation 01.04(28).

**(37) Attaching PIN to Identification Badge.** Persons will not attach and/or write their PIN on Personnel Identification Badges in any manner.

**(38) Custody of Keys or Other Means of Access.** Only Authorized Persons will have custody of, access to, or use of keys or other means of access used to lock and secure Restricted Areas. Authorized Persons will not duplicate or turn over keys or other means used for access to Restricted Areas to anyone without approval from the Airport Security Coordinator or their designee.

**(39) Prohibit Access to Unauthorized Persons.** Authorized Persons will not permit unauthorized Persons to have access to Restricted Areas unless under Escort by an Authorized Person.

**(40) Authorized Persons must challenge.** Authorized Persons must challenge Persons not displaying an appropriate Personnel Identification Badge. For purposes of this section only, challenge means (a) to ask the Person to see their Personnel Identification Badge or (b) to immediately notify the Airport Police Department with a description of the Person(s) not displaying a Personnel Identification Badge. Challengers are not expected to place themselves or others into dangerous situations and, if a challenger believes that making a verbal challenge would do so, a verbal challenge need not be made and the procedure specified in 4.2(b) hereof shall be followed. In all cases, the Airport Police should be notified immediately and the unauthorized person should be kept under observation to the extent possible until Airport Police arrive.

**(41) Security of Access Points.** No Person will leave open, propped or unsecured any door, gate or access point leading to or allowing access to Restricted Areas.

**(42) Timed Doors.** No Person will hold, prop, or cause a door, gate or access point to be open beyond the period of time allowed by a Security Device unless an Authorized Person attends the door. When an Authorized Person is attending a security door, that Person must be physically present at the door and must use their Airport-Issued Personnel Identification Badge to activate additional time for the door to be open.

**(43) Report Violations.** Authorized Persons will promptly report to the Airport Police Department any violation of these Rules and Regulations that they observe or of which they have knowledge.

**(44) Unsecure Aircraft.** Airlines and personnel will be responsible for the safety and security of aircraft per FAA standards.

**(45) Fire Extinguisher Equipment.** No Person will tamper with fire extinguisher equipment at the Airport at any time or use it for any purpose other than fire fighting or fire prevention. All such equipment will be inspected and maintained according to the National Fire Protection Association. Annual inspections will be performed by the Airport Fire Department.

**(46) Explosives and Other Dangerous Articles.** No Person will store, keep, handle, use, dispense, or transport in or upon the Airport any explosive such as dynamite, nitroglycerine, black powder, or gaseous poisons, without the permission of the Chief Executive Officer, Chief Operating Officer, or Airport Fire Chief. Before using these materials, a standard operating procedure with emergency procedures must be submitted to the Airport Fire Chief.

**(47) Hazardous Cargo.** All off-loading of hazardous cargo will be conducted on the northwest ramp or area designated by the Chief Executive Officer, Chief Operating Officer, or Airport Fire Chief.

**(48) Storage of Flammable Material.** No Person will keep or store any flammable liquids, gases, signal flares or other similar materials in the hangars or in any buildings on the Airport, provided, however, that such materials may be kept in aircraft in the proper receptacles installed in aircraft for such purpose, or in rooms or flammable cabinets specifically approved for such storage by the Chief Executive Officer, Chief Operating Officer, or Airport Fire Chief.

**(49) Aircraft Not Bonded (Electrically) for Fueling.** During all fuel handling operations in connection with any aircraft at the Airport, the aircraft and the fuel dispensing or draining apparatus will be bonded by wire to prevent the possibility of static ignition of volatile liquids.

**(50) Fuel Truck Parked Within 50 Feet of Building.** No aircraft fuel servicing vehicle will be parked within 50 feet of a building or hangar, other than a fuel servicing hydrant vehicle, or within 10 feet of any other aircraft fuel servicing vehicle, and only in areas designated for such purpose by the Chief Executive Officer or Chief Operating Officer.

**(51) Aircraft Fueling.** Aircraft fueling is prohibited while the engine of the aircraft being fueled is running or is being heated. Fuel will be delivered or drained through hose and connections approved by the National Fire Protection Association. Starting engines when fuel is on the ground is prohibited. No Person will start the engines of any aircraft when there is gasoline or any type of fuel under the aircraft.

When filling a fuel tender from storage, two Persons will be in active attendance, except that only one Person will be required if a Deadman Flow Control is in use on the fill-pipe and the control for said valve must be continuously in the attendants hand in order to maintain fuel flow. Deadman Flow Controls will be designed to preclude defeating their intended purpose.

**(52) Aircraft Fuel Servicing Locations.** Aircraft fuel servicing will be performed outdoors. Aircraft fuel servicing incidental to aircraft fuel system maintenance operations will comply with the requirements of National Fire Protection Association, Section 410, Standard for Aircraft Maintenance. Aircraft being fueled will be positioned so that aircraft fuel system vents or fuel tank openings are not closer than 25 feet (8 meters) from any terminal building, hangar, service building, or enclosed passenger concourse other than a loading walkway. Aircraft being fueled will not be positioned so that the vent or tank openings are within 50 feet (15 meters) of any combustion and ventilation air-intake to any boiler, heater, or incinerator room.

**(53) Parking Aircraft Fuel Servicing Tank Vehicles.** Parking areas for unattended aircraft fuel servicing tank vehicles will be arranged to provide the following:

(A) Dispersal of vehicles in the event of an emergency;

(B) A minimum of 10 feet (3 meters) of clear space between parked vehicles for accessibility for fire control purposes;

(C) Prevention of any leakage from draining to an adjacent building or storm drain that is not suitably designed to handle fuel; and

(D) A minimum of 50 feet (15 meters) from any parked aircraft and buildings other than maintenance facilities and garages for fuel servicing tank vehicles.

**(54) Parking Aircraft Fuel Servicing Hydrant Vehicles.** Parking areas for unattended aircraft fuel servicing hydrant vehicles will be arranged to provide the following:

(A) Dispersal of the vehicles in the event of an emergency; and

(B) Prevention of any leakage from draining to an adjacent building or storm drain that is not suitably designed to handle fuel.

**(55) Improper Use of Fire Exit.** No Person will improperly exit or enter a building through a fire exit door, except during an emergency.

**(56) Operation of Flame or Spark Producing Device.** No Person shall operate an ox-acetylene torch, electric arc or similar flame or spark producing device on any part of the Airport, except in areas within leased premises designated for such use by the Chief Executive Officer, without first obtaining a Cutting and Welding Permit from the Chief Executive Officer, Chief Operating Officer, or Airport Fire Chief.

**(57) Open Flame Operators.** No Person shall start any open fires of any type, including flare pots, torches, or fires in containers formerly used for oil, paint, and similar materials on any part of the Airport without permission of the Airport Fire Chief.

**(58) Dry Chemical Fire Extinguishers Available.** During fuel handling operations in connection with any aircraft at the Airport, at least two dry chemical fire extinguishers (30 pounds or larger) or other type fire extinguishers acceptable to the Chief Executive Officer shall be immediately available for use in connection therewith.

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**(59) Fire Code.** All fire codes applicable to the Airport as published by the National Fire Protection Association and the Kentucky Fire Prevention Code shall govern all operations on the Airport and Persons operating thereon.

**(60) Posting Signs Prohibiting Access.** Airport Tenants with access to Restricted Areas on their property will follow these Rules and Regulations by posting signs approved by the Board which prohibit access leading into Restricted Areas.

**(61) Preventing Unauthorized Access to Restricted Areas.** Airport Tenants with access to Restricted Areas will at all times keep the access secured or staffed in a manner that prevents unauthorized Persons from accessing Restricted Areas. Tenants will retain keys or other means of access to Restricted Areas under their control and issue such access only to Authorized Persons.

**(62) Airport Security Contact.** Airport Tenants with access to Restricted Areas will appoint at least one employee of the Airport Tenant as the security contact primarily responsible for the Airport Tenants leased area which accesses Restricted Areas. Airport Tenants will advise the Airport Security Coordinator in writing of the Person or Persons at all times having such responsibility.

**(63) Bypassing Security Screening Area.** No Person will enter a Sterile Area through a Security Screening Area unless first going through equipment that has been installed for inspection of Person(s) and their belongings. Armed federal and local law enforcement officers on official duties at the Airport and others exempted by the TSA do not have to be inspected, provided they follow TSA regulations.

**(64) Statements Against Aviation Safety or Security.** No Person will make a statement to another so as to indicate that the Person or another may have possession of a firearm, bomb, explosive device, or other weapon while at the Airport.

**(65) Interfere with Flight Operations.** No Person will intimidate, threaten, hinder or obstruct an aircraft crew member in the performance of the crew members official job duties or lessen the ability of such aircraft crewmember to perform their duties.

**(66) Unattended Baggage.** No Person will leave any bag, luggage, box or container unattended in terminal areas of the Airport that are accessible to the public.

**(67) Presenting a Weapon at a Security Screening Area.** No Person will place a firearm, explosive device, knife, or other TSA prohibited item that could be used as a weapon into the inspection equipment at the Security Screening Area without first declaring such item. Only Persons authorized by the TSA may test Security Screening Areas.

**(68) Failure to Control Prohibited Item.** No Person shall be in possession of any item prohibited by the TSA or FAA in a Sterile Area except for those Persons who have demonstrated a need for the particular item in connection with the performance of their duties at the Airport and have received the prior approval of the Chief Executive Officer, Chief Operating Officer, or their designee. Any such authorized Person may not attempt to bring the item through security screening devices in the Terminal buildings and must remain in possession of the item at all times.

**(69) Adherence to TSA Directives.** No Person shall fail to comply with any order, directive, rule, or regulation of the Transportation Security Administration.

**(70) Improper Entry Through Security Door.** No person shall enter a security door improperly so as to sound an alarm and/or cause a police response.

**(71) Failure to Follow Notification Procedures.** Airport tenants, through their Airport Security Contact, must provide immediate notification to the police department when:

1. An individuals access authority has been revoked or limited
2. An individuals identification badge has been lost or stolen, or
3. The tenant becomes aware that the access control system or a component of the system has been compromised or threatened through any means.

When an employee is terminated or quits with cause, the tenant must immediately retrieve the badge and notify the Identification Office and/or the Airport police. When termination is normal retirement, transfer, or separation, you must contact the Identification Office by the end of the next business day. Badges must be returned to the ID office within three business days.

**(72) Fire Inspection Program.** The Airport Fire Chief shall have primary jurisdiction over all Airport property to operate, administer and enforce the Board's fire inspection program and the Board hereby adopts Kentucky's standards of safety (815 KAR 10:060) promulgated pursuant to KRS 227.320 for that purpose, both as may be amended from time to time.

**(73) Entry into Movement Area & Non-Movement Area.** The following applies to anyone entering in any manner or driving in the Movement Area and Non-Movement Area at the Airport:

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- (A) Movement Area.
  - (1) No Person shall enter or drive in the Movement Area at any time unless one of the following conditions applies:
    - (a) The Person possesses a valid Identification Badge authorizing access to the Movement Area; or
    - (b) The Person is being escorted by a Person possessing a valid Identification Badge authorizing access to the Movement Area.
  - (2) If any Person fails to satisfy one of the conditions set forth in paragraph (1), above, that Person shall not enter or drive in the Movement Area, even if given authorization from the Control Tower or any other Person.
  - (3) Any Person authorized under paragraph (1), above, to enter or drive in the Movement Area shall comply with all Rules and Regulations while operating in the Movement Area.
  
- (B) Non-Movement Area.
  - (1) No Person shall enter or drive in the Non-Movement Area at any time unless one of the following conditions applies:
    - (a) The Person possesses a valid Identification Badge authorizing access to the Non-Movement Area; or
    - (b) The Person is being escorted by a Person possessing a valid Identification Badge authorizing access to the Non-Movement Area.
  - (2) Any Person authorized under paragraph (1), above, to enter or drive in the Non-Movement Area shall comply with all Rules and Regulations while operating in the Non-Movement Area.

**(74) Surface Movement of Aircraft.** In addition to all other applicable requirements set forth in the Rules and Regulations, the following applies to Persons operating or maneuvering an aircraft on the surface in a Movement Area:

- (A) An Aircraft Operator shall not allow anyone other than Qualified Personnel to operate or maneuver aircraft in the Movement Area. Only Qualified Personnel shall be permitted to operate or maneuver aircraft in the Movement Area. Aircraft Operators shall provide Qualified Personnel with all equipment and information as required under the Surface Movement Training Policy. The Qualified Person shall comply with the Surface Movement Training Policy while in the Movement Area.
  
- (B) The Surface Movement Training Policy is the minimum and basic training required by the Board for an Aircraft Operator to designate Qualified Personnel to maneuver or operate aircraft in the Movement Area of the Airport; provided, however, that the Board assumes no liability for the Surface Movement Training

Policy and it is the responsibility of each Aircraft Operator to establish a formal program to ensure all appropriate training for safety, operations, and compliance with law by Qualified Personnel while conducting operations at the Airport.

**(75) Engine Run-Ups.** This Subsection establishes rules and regulations for an Aircraft Operator to perform an Engine Run-Up for purposes of safely maintaining and/or operating an aircraft.

- (A) Engine Run-Ups, excluding Extended Full-Power Run-Ups, shall be permitted on hangar ramps; provided however, that the Aircraft Operator shall be required to have authorization from the lessee or owner of the hangar ramp and shall ensure that the parking orientation of the aircraft will not endanger or cause damage to Persons or surrounding buildings, aircraft, or other property. Engine Run-Ups are prohibited in the concourse areas and at passenger gates. An Aircraft Operator's use of the designated areas for Engine Run-Ups may be terminated immediately upon injury to persons and/or damage to property.
- (B) Extended Full-Power Run-Ups shall only be permitted in the following locations:
  - (1) 18C hold pad – aircraft located north of Runway 27/9
  - (2) 36C hold pad – aircraft located south of Runway 27/9
- (C) In connection with an Engine Run-Up, a Person may exit an aircraft at the run-up pad to chock an aircraft or observe the Engine Run-Up. A Qualified Personnel shall remain with the aircraft at all times and possess a proper Identification Badge, or be under escort.
- (D) The Aircraft Operator shall be responsible for ensuring that only Qualified Personnel will conduct Engine Run-Ups.
- (E) A minimum of two Qualified Personnel shall be in the cockpit during Engine Run-Ups. One of the Qualified Personnel shall have the sole responsibility of maintaining situational awareness of the operation at all times. Use of any designated location for Engine Run-Ups may be terminated immediately, at the discretion of the Chief Operating Officer.
- (F) Qualified Personnel shall ensure that any Engine Run-Up complies with the Engine Run-Up Policy.
- (G) The Surface Movement Training Policy and the Engine Run-Up Policy is the minimum and basic training and procedures required by the Board for an Aircraft Operator to designate Qualified Personnel to conduct Engine Run Ups; provided however, that the Board assumes no liability for the Surface Movement Training Policy nor the Engine Run-Up Policy and it is the responsibility of each Aircraft Operator to establish a formal program to ensure all appropriate training for safety, operations, and compliance with law by Qualified Personnel while conducting Engine Run-Ups at the Airport.

**(76) Photos/Video.** Any Person with a Personal Identification Badge having access to the Air Operations Area of the Airport is prohibited from taking videos or photos within the Air

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Operations Area unless the videos and/or photos are being taken as part of the Person’s job duties while at the Airport or authorized by the Chief Executive Officer or Chief Operating Officer.

## **01.05 MOTOR VEHICLES OPERATING ON AIRPORT**

**(1) Definitions.** As used in this Regulation 01.05 only, words and phrases shall have the meaning set forth below, the meaning set forth in KRS § 281.010 (as may be amended, modified, or replaced), or their commonly understood meaning.

**(A) “Airport Generated Gross Receipts” – means:**

- (1)** With respect to an Off-Airport Rental Car Operator, those Gross Receipts of an Off-Airport Rental Car Operator that were derived from a Person who arrived at the Airport by aircraft and who was transported, either directly or indirectly, by such Off-Airport Rental Car Operator to or from a rental station operated by and/or for the benefit of such Off-Airport Rental Car Operator; OR
- (2)** With respect to an Off-Airport Parking Lot Operator, those Gross Receipts of an Off-Airport Parking Lot Operator that were derived from an air-transportation passenger of the Airport, or any other Person accessing the Airport, who was transported, either directly or indirectly, by such Off-Airport Parking Lot Operator to or from a location operated by or for the benefit of such Off-Airport Parking Lot Operator.

**(B) “Airport Pickup” – means** Commercial Transportation provided by a Commercial Operator from the Airport in which a passenger is picked up on Airport property and transported to another location. There are two categories of Airport Pickups (as further defined in this Regulation): On-Demand Airport Pickups and Prearranged Airport Pickups.

**(C) “Authorization” – means** permission from the Board for a Commercial Operator to operate a designated Commercial Passenger Vehicle(s) on Airport property to provide Airport Pickups, subject to the terms and conditions of the Commercial Operator’s CPV Permit or CPV Contract.

**(D) “Authorized Commercial Operator” – means** a Commercial Operator who has obtained Authorization and is in compliance with the terms and conditions of the Commercial Operator’s CPV Permit or CPV Contract.

**(E) “Authorized CPV” – means** a Commercial Passenger Vehicle that is designated in the CPV Permit or CPV Contract of its Authorized Commercial Operator and is in compliance with the terms and conditions of such CPV Permit or CPV Contract.

(F) **“AVI System”** – means an Automated Vehicle Identification System, which, in general, is an electronic system that tracks the movements and monitors the Dwell Times of vehicles on Airport property utilizing electronic identification tags (“AVI Tags”) and readers.

(G) **“CEO”** – means the Board’s Chief Executive Officer, and for purposes of this Regulation, any reference or delegation of authority to the CEO shall include the Chief Executive Officer’s authorized designee(s).

(H) **“Commercial Operator”** – means any person or entity, including such person or entity’s drivers, employees, contractors, agents, and other representatives, who owns, controls, operates, utilizes, manages, or leases any Commercial Passenger Vehicle to provide Commercial Transportation. For clarification purposes only, and without limiting the generality of the foregoing, examples of Commercial Operators include: Taxicab operators, Limousine operators (which includes operators of black cars/other livery vehicles), Transportation Network Companies, Charter Bus operators, and Shuttle operators.

(I) **“Commercial Passenger Vehicle”**– means any vehicle that is used for the Commercial Transportation of passengers and their property. For clarification purposes only, and without limiting the generality of the foregoing, examples of Commercial Passenger Vehicles include Taxicabs, Limousines (which include black cars/other livery vehicles), TNC Vehicles, Charter Busses, and Shuttles.

(J) **“Commercial Transportation”** – means the transportation of passengers and their property by vehicle to or from points on Airport property and points off-Airport property as part of a for-profit, commercial transaction, regardless of whether the transaction is directly (i.e., the transportation is provided to the passenger for a fare or fee) or indirectly (i.e., the transportation is provided to the passenger without charge on a courtesy basis as part of a separate transaction with the passenger) related to the transportation provided.

(K) **“CPV Contract”** – means a contract entered into between the Board and a Commercial Operator, in accordance with this Regulation, which grants Authorization to the Commercial Operator subject to the terms and conditions set forth in this Regulation and the contract.

(L) **“CPV Operating Policy”** – means the policy established by the CEO governing the Commercial Passenger Vehicle operations of Authorized Commercial Operators on Airport property.

(M) **“CPV Permit”** – means a permit issued by the Board to a Commercial Operator, in accordance with this Regulation, which grants Authorization to the Commercial Operator subject to the terms and conditions set forth in this Regulation and the permit.

(N) **“Dwell Time”** – means the period of time during which a vehicle remains upon the roadways, staging areas, pick-up, and drop-off locations on Airport property.

(O) **“Gross Receipts”** – means:

(1) With respect to an Off-Airport Rental Car Operator, all monies paid or payable to, or considerations of determinable value received by, the Off-Airport Rental Car Operator, whether by cash, check, or credit, and without deduction for credit card discounts or thefts, and whether the same shall be paid or unpaid, including all charges billed by the Off-Airport Rental Car Operator, that are in anyway related to providing a rental vehicle or any other product or service at or from the Airport, regardless of where the vehicles, products, or services are delivered to or returned from; OR

(2) With respect to an Off-Airport Parking Lot Operator, all monies paid or payable to, or considerations of determinable value received by, the Off-Airport Parking Lot Operator, whether by cash, check, or credit, and without deduction for credit card discounts or thefts, and whether the same shall be paid or unpaid, including all charges billed by the Off-Airport Parking Lot Operator, that are in anyway related to providing parking lot spaces or any other product or service to customers accessing the Airport.

(P) **“Non-Profit Passenger Vehicle”** – means a passenger vehicle operated by a 501(c) non-profit organization to provide transportation of passengers and their property to or from points on Airport property and points off-Airport property.

(Q) **“Off-Airport Parking Lot Operator”** – means any Person, firm, or company that provides parking off-Airport property to Airport passengers in exchange for payment, regardless of whether the operator is engaged in other business endeavors unrelated to parking.

(R) **“Off-Airport Rental Car Operator”** – means any Person, firm, or company that operates a rental car business off-Airport property from which any portion of said business is derived from enplaning and/or deplaning passengers of the Airport.

(S) **“Off-Airport Parking Lot Shuttle”** – means a Shuttle used by an Off-Airport Parking Lot Operator to transport passengers to the Off-Airport Parking Lot Operator’s business location.

(T) **“Off-Airport Rental Car Shuttle”** – means a Shuttle used by an Off-Airport Rental Car Operator to transport passengers to the Off-Airport Rental Car

Operator's business location.

(U) **“On-Demand Airport Pickup”** – means an Airport Pickup provided immediately upon a passenger's request that the passenger has not arranged directly with a Commercial Operator.

(V) **“On-Demand CPV”** – means a Commercial Passenger Vehicle used by a Commercial Operator to provide On-Demand Airport Pickups.

(W) **“Permit Year”** – means the period of twelve consecutive calendar months from June 1st to May 31st during which Authorization under a CPV Permit is valid.

(X) **“Prearranged Airport Pickup”** – means an Airport Pickup that the passenger has arranged directly with a Commercial Operator.

(Y) **“Shuttle”** – means a vehicle, commonly a van or bus, used by a Commercial Operator to transport passengers to or from Airport property and a fixed location(s) off-Airport property. Common examples of shuttles include those vehicles used by hotels/motels, Off-Airport Parking Lot Operators, and Off-Airport Rental Car Operators to transport passengers between the Airport and their respective business locations off-Airport property.

(Z) **“Vehicle”** – means a motor vehicle.

(2) **General Requirements for all Vehicles.** The following provisions shall apply to all vehicles operating on Airport property:

(A) **Applicable Law** – Except as otherwise stated in these Rules and Regulations, all laws, rules, and regulations of the Commonwealth of Kentucky applicable to vehicles and the operation of the same are hereby made applicable to the operation of vehicles on Airport property.

(B) **Designation of Roadways** – Pursuant to KRS § 183.885, the designation and classification of the roadways owned by the Airport is set forth on Exhibit “C,” attached hereto and incorporated herein by reference. The operators of any vehicle or mobile equipment, when traversing any such roadway, must adhere to the restrictions, as designated for each classification, as set forth on Exhibit “C” and further must adhere to all other requirements of these Rules and Regulations. The CEO, in order to provide for orderly flow of traffic, or in the interest of safety, security, operations, or as may be required by reconfigured or newly constructed roadways, or as a result of other construction, renovation, or improvements at the Airport, shall have the authority to amend Exhibit “C” to these Rules and Regulations by filing an amended Exhibit “C” with the Secretary of the Board.

(C) **Speed Limit** – No vehicle shall be operated on Airport property at a speed

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in excess of 25 miles per hour if such area is not marked or designated by a road sign setting forth the speed limit or in excess of the posted speed limit in an area marked and designated by a road sign setting forth the speed limit. Such road signs designating the speed limit on the Airport shall be as authorized by the CEO.

**(D) Loading or Unloading Passengers** – No vehicle shall load or unload passengers in any area on Airport property except as designated for such purpose by the CEO.

**(E) Parking** – No vehicle shall be parked or stopped in any area on Airport property except in such areas as may be designated for such purpose by the CEO. Charges for parking of vehicles shall be at such reasonable rates as established from time to time by the CEO, either by contract or otherwise.

**(F) Removal** – Any vehicle that is parked in any unauthorized area, disabled, abandoned, left by the owner/operator, or otherwise permitted to be removed or impounded by any existing law, rule, or regulation of the Commonwealth of Kentucky may be removed from the Airport and may be impounded, all at the expense of the owner, by or at the direction of the Airport Police Department, or the CEO, without any liability for damage or other cause.

**(G) Compliance with Directives** – No Person shall fail to obey any lawful directive of any police officer, Public Safety Assistant, or other Ground Transportation Employee of the Board.

**(3) Commercial Passenger Vehicles.**

**(A) Authorization Required to Perform Airport Pickups.** No Commercial Operator shall operate a Commercial Passenger Vehicle on Airport property to provide an Airport Pickup without Authorization. A Commercial Operator shall obtain Authorization in one of two ways: 1) by obtaining a CPV Permit from the Board; or 2) by entering into a CPV Contract with the Board.

**(1) CPV Permits.** Any Commercial Operator not listed in subsection (3)(A)(2) may obtain Authorization by applying for and receiving a CPV Permit, subject to the requirements of this Regulation. CPV Permits shall only provide Authorization to provide Prearranged Airport Pickups at the Airport.

**(2) CPV Contracts; When Required.** Commercial Operators engaged in Commercial Transportation using any of the following Commercial Passenger Vehicles may obtain Authorization only by entering into a CPV Contract that meets the requirements of this Regulation: On-Demand CPVs, TNC Vehicles, Off-Airport Parking Lot Shuttles, and Off-Airport Rental Car Shuttles. CPV Contracts

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may provide Authorization to provide either On-Demand Airport Pickups or Prearranged Airport Pickups, whichever may be stated in the CPV Contract.

An Authorized Commercial Operator shall operate only Authorized CPVs on Airport property. In addition, Authorization shall be limited and specific to those Authorized CPVs expressly listed in the Authorized Commercial Operator's CPV Contract or CPV Permit, as the case may be, and shall not be transferrable to or among other vehicles in the Authorized Commercial Operator's fleet. CPV Contracts and CPV Permits are non-assignable and non-transferrable without prior written authorization from the Board.

**(B) Authorization Fees.** In order to obtain Authorization, whether by CPV Permit or CPV Contract, each Commercial Operator shall pay to the Board the fees referenced in this Regulation for the use of Airport facilities and services, including, but not limited to, its roads, curbs, parking facilities, staging lots, lights, terminal buildings, traffic control, snow removal, police protection, fire protection, EMS service, and other like amenities. The Board's purpose for said fees is not to charge a tax but to receive reasonable compensation for the privilege of operating on Airport property, the use of Airport facilities and services, and the benefit each Commercial Operator's business receives from the presence of the entire Airport. This compensation furthers the Board's obligation to make the Airport as self-sustaining as possible by defraying the costs to the public of constructing, operating, and maintaining Airport facilities and services.

**(C) CEO to Act on Board's Behalf.** The CEO shall be vested with authority on behalf of the Board to issue CPV Permits to, and to negotiate and enter into CPV Contracts with, Commercial Operators.

**(D) Minimum Eligibility Requirements for Authorization.** In order for the CEO to grant Authorization, whether by CPV Permit or CPV Contract, to a Commercial Operator:

- (1)** The Commercial Operator must possess:
  - (a)** A Certificate of Authority from the Kentucky Secretary of State authorizing the Commercial Operator to transact business in the Commonwealth of Kentucky, unless the Commercial Operator is a sole proprietor, in which event a Boone County Occupational License will be sufficient;
  - (b)** A certificate of compliance issued by the Kentucky Transportation Cabinet as required under KRS Chapter 281 (as may be amended, modified, or replaced) authorizing the form of Commercial Transportation being provided by the

Commercial Operator or, if no such certificate is required under KRS Chapter 281, an equivalent certificate from the governing/regulatory body of the Commercial Operator's home jurisdiction;

- (c) A valid automobile liability insurance policy with minimum coverage in amounts not less than required by KRS § 281.655 (as may be amended, modified, or replaced) covering each vehicle for which Authorization is sought that names the Kenton County Airport Board as an additional insured under the policy, provided, however, that the Board may require greater coverage than the aforesaid minimum; and
  - (d) A valid commercial general liability insurance policy with minimum coverage not less than One Million Dollars (\$1,000,000.00) per occurrence that names the Kenton County Airport Board as an additional insured under the policy, provided, however, that the Board may require greater coverage than the aforesaid minimum.
- (2) Each Commercial Passenger Vehicle for which Authorization is sought must be properly registered and must meet all minimum safety requirements of the Kentucky Revised Statutes and/or regulations of the Kentucky Transportation Cabinet. The Commercial Operator must certify the same before Authorization may be granted. In addition, without limiting the generality of the foregoing, upon demand by the Board, the Commercial Operator must provide documentation evidencing that each Commercial Passenger Vehicle that will be operated at the Airport has undergone any vehicle inspection required by the Kentucky Revised Statutes and/or regulations of the Kentucky Transportation Cabinet.
- (3) Each of the Commercial Operator's drivers must possess a proper license and meet all applicable eligibility requirements of the Kentucky Revised Statutes and/or regulations of the Kentucky Transportation Cabinet to operate the particular Commercial Passenger Vehicle for which Authorization is sought. Each Commercial Operator must certify the same to the Board before Authorization may be granted and, upon demand by the Board, must present proper documentation evidencing the same.
- (4) Each Commercial Operator must agree to indemnify and hold the Board harmless, as a condition of the CPV Permit or CPV Contract, for the actions of the Commercial Operator.

**(E) Authorization via CPV Permit.** The following provisions set forth

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requirements specific to CPV Permits.

- (1) **Application.** Commercial Operators desiring to obtain Authorization via CPV Permit shall apply for the same by filling out and returning a completed application in the form provided by the CEO. In addition, Commercial Operators applying for a CPV Permit shall submit any supporting documentation required under this Regulation or that the CEO, in his or her discretion, may require.
  - (a) The application form shall request, at a minimum, that each applicant provide the following information in writing:
    1. The full name, mailing address, telephone number, and e-mail address of the Commercial Operator applying for the CPV Permit.
    2. The full name, mailing address, telephone number, and e-mail address of the Person responsible for the Commercial Operator's operations at the Airport.
    3. A description of, and the license plate numbers for, each Authorized CPV that will be operated on Airport property.
  - (b) The CEO may establish an administrative fee to defray the administrative cost of processing applications, which, if established, shall be paid by the applicant at the time the application is made.
- (2) **Forms of CPV Permit.** CPV Permits shall be issued in one of the following two forms:
  - (a) **Per-Trip Permit.** A Per-Trip Permit shall provide the permittee unlimited access onto Airport property to provide Prearranged Airport Pickups during the Permit Year. There shall be a registration fee for each Commercial Passenger Vehicle authorized under a Per-Trip Permit, which the applicant shall pay to the Board before the Per-Trip Permit will be issued. Once a Per-Trip Permit has been issued, permittees shall also be required to pay a per-trip access fee for each Prearranged Airport Pickup. The Authorization granted under a Per-Trip Permit shall expire at the end of each Permit Year.
  - (b) **Daily Permit.** A Daily Permit shall provide the permittee unlimited access onto Airport property for a single day to

provide Prearranged Airport Pickups. There shall be a registration fee for each Commercial Passenger Vehicle to be authorized under a Daily Permit, which the applicant shall pay to the Board before the Daily Permit will be issued. There shall be no access fee for a Daily Permit. Commercial Operators shall be limited to not more than three (3) Daily Permits during a given Permit Year.

(3) **Fees.** Prior to each Permit Year, the CEO shall have the discretion to determine the registration fees and access fees for CPV Permits for the upcoming Permit Year, provided, however, that the CPV Permit fees shall be uniformly applied to all Commercial Operators based on the number and size of the Commercial Passenger Vehicles to be authorized under the CPV Permit and no less than the following amounts:

(a) **Per-Trip Permits.**

1. Vehicles capable of carrying up to 14 passengers:
  - a. Registration Fee: \$100.00 per vehicle;
  - b. Access Fee: \$3.00 per Prearranged Airport Pickup.
2. Vehicles capable of carrying over 14 passengers:
  - a. Registration Fee: \$100.00 per vehicle;
  - b. Access Fee: \$50.00 per Prearranged Airport Pickup.

(b) **Daily Permits.**

1. Vehicles capable of carrying up to 14 passengers:
  - a. Registration Fee: \$50.00 per vehicle;
  - b. Access Fee: None.
2. Vehicles capable of carrying over 14 passengers:
  - a. Registration Fee: \$100.00 per vehicle;
  - b. Access Fee: None.

(c) **Payment of Registration and Access Fees.**

1. **Registration Fees.** Before a CPV Permit will be issued, regardless of whether it is a Per-Trip Permit or Daily Permit, the Commercial Operator applying for the same shall pay to the Board the requisite registration fees in the method designated by the CEO.

- a. Commercial Operators who submit an application for a Per-Trip Permit after a given Permit Year has already commenced shall have their registration fees pro-rated for each Commercial Passenger Vehicle to be authorized based on the number of months remaining in the Permit Year.
    - b. Registration fees are non-refundable, regardless of whether a Commercial Operator ceases operations at the Airport prior to the expiration of a Permit Year.
  - 2. **Access Fees.** Authorized Commercial Operators who have been issued a Per-Trip Permit shall pay to the Board the requisite access fees for each Prearranged Airport Pickup in the method designated by the CEO.
- (4) **Issuance.** The CEO shall only issue a CPV Permit to a Commercial Operator after finding that the Commercial Operator has satisfied all applicable requirements of this Regulation and that the issuance of the same would contribute to the efficiency, safety, and convenience of handling the flow of traffic and passenger pickups at the Airport. While it is the Board’s general intent that CPV Permits will be made available to any Commercial Operator who meets the eligibility requirements of this Regulation, when conditions at the Airport present undue operational problems (such as vehicle congestion, construction, etc.) to the efficient, safe, and convenient flow of traffic and passenger pickups at the Airport, the CEO, in his or her reasonable discretion, may establish a quota for the number of CPV Permits that will be issued in a given year, the number of Authorized CPVs under any one CPV Permit, or both. In such event, CPV Permits shall be issued on a first-come, first-serve basis each year to Commercial Operators satisfying the eligibility requirements of this Regulation until the quota has been reached. Alternatively, if the conditions presenting the undue operational problems are temporary, the CEO, in his or her discretion, may suspend issuing any further CPV Permits until such time as those conditions cease to exist.
- (5) **Permit Stickers.** Except for Daily Permits, upon the CEO’s approval and issuance of a CPV Permit, the permittee shall be given

color-coded permit stickers for each Authorized CPV. Permit stickers shall be affixed to the driver side rear bumper of each Authorized CPV. There shall be a fee of Twenty-Five Dollars (\$25.00) to replace a lost, damaged, or stolen permit sticker.

**(F) Authorization via CPV Contract.** The following provisions set forth requirements specific to CPV Contracts.

**(1) Fees.**

**(a)** For each CPV Contract, the CEO shall have the discretion to determine the amount of the fees the Commercial Operator must pay to the Board by establishing said fees and the method of payment in the terms of the CPV Contract, provided that such fees shall be no less than the following minimum amounts for the listed CPVs:

1. **On-Demand CPVs** - \$2.00 per Airport Pickup;
2. **TNC Vehicles** - \$3.00 per Airport Pickup;
3. **Off-Airport Parking Lot Shuttles** – 10% of the Off-Airport Parking Lot Operator’s Airport Generated Gross Receipts;
4. **Off-Airport Rental Car Shuttles** – 10% of the Off-Airport Rental Car Operator’s Airport Generated Gross Receipts

In determining the amount of the fees, the CEO shall take into consideration, among other factors, the revenue needed properly to expand and maintain the Airport and its facilities; the type of CPV being utilized; the nature of the Commercial Operator’s business, including whether and to what extent the business is dependent upon the existence of the Airport and the relative benefits the business bestows upon the Airport; the desire to provide the traveling public with affordable means of transportation; the anticipated volume of vehicular traffic; the fees charged by other airports for the particular type of CPV; and the Airport’s obligation to remain as self-sustaining as possible.

**(b)** Each CPV Contract shall require the Commercial Operator to keep full and accurate books and records showing Gross Receipts or Airport Pickup fees, as the case may be, and to allow the Board to inspect such books and records upon request.

- (2) The CEO shall only enter into a CPV Contract with a Commercial Operator after finding that the Commercial Operator has satisfied all applicable requirements of this Regulation and that entering into the same would contribute to the efficiency, safety, and convenience of handling the flow of traffic and passenger pickups at the Airport.
- (3) CPV Contracts may grant exclusive, limited, or non-exclusive rights. In the event the CEO determines it would be in the best interest of the Airport, the CEO may enter into a CPV Contract granting exclusive or limited rights to a Commercial Operator or group of Commercial Operators for a particular type of Commercial Transportation in the manner required by law (for example, a CPV Contract with a taxicab operator granting an exclusive right to provide on-demand taxicab services).
- (4) Notwithstanding any other provision in this Regulation to the contrary, if a Commercial Operator engaged in a form of Commercial Transportation not expressly contemplated herein desires to operate at the Airport, the CEO may grant Authorization to such Commercial Operator by entering into a CPV Contract with the same. The CEO shall require fees commensurate with the fees paid by those Commercial Operators providing the most similar form of Commercial Transportation at the Airport.

**(G) Rules Applicable to Commercial Operators and Commercial Passenger Vehicles Operating on Airport Property**

- (1) Authorized Commercial Operators shall conduct only the business activities (i.e., Commercial Transportation) specifically authorized in their CPV Permit or CPV Contract.
- (2) Drivers of Commercial Passenger Vehicles shall be courteous, clean, and neat in appearance while on Airport property.
- (3) Commercial Passenger Vehicles operating on Airport property shall be properly registered and licensed, maintained in a safe operating condition, and kept in a clean and neat in appearance.
- (4) While on Airport property or providing ground transportation to Airport passengers, no Commercial Operator shall:
  - (a) advertise for or solicit customers or business;
  - (b) harass prospective customers;
  - (c) engage in rude or boisterous behavior or conversation;

- (d) engage in the use of profanity;
- (e) engage in threatening or violent behavior;
- (f) engage in any activity that would constitute a breach of the peace;
- (g) disparage or provide misleading information concerning other Commercial Operators;
- (h) smoke any cigarette or other tobacco product, or use any electronic cigarette, in non-designated smoking areas; or
- (i) engage in any activity that is contrary to the Board's Rules & Regulations.

(5) **CPV Operating Policy.** The CEO shall promulgate a CPV Operating Policy establishing policies and procedures applicable to all Commercial Passenger Vehicle operations on Airport property, regardless of whether Authorization has been obtained from the Board. The content of the CPV Operating Policy shall be at the CEO's discretion to ensure that Commercial Passenger Vehicle operations at the Airport are as efficient, safe, and convenient as possible. Subject matter of the CPV Operating Policy shall include, but not be limited to, passenger drop-off and pick-up locations for particular types of Commercial Passenger Vehicles, staging areas and staging times for particular types of Commercial Passenger Vehicles, and other rules governing particular types of Commercial Passenger Vehicles and their operations that the CEO, in his or her discretion, deems appropriate. All Commercial Operators, whether Authorized or not, shall adhere to the CPV Operating Policy at all times while on Airport property.

- (a) A copy of the CPV Operating Policy shall be provided to each Authorized Commercial Operator at the time Authorization is granted.
- (b) Authorized Commercial Operators shall likewise be informed whenever changes are made to the CPV Operating Policy.
- (c) Copies of the CPV Operating Policy shall be available at the Airport police department and online at [cvgairport.com/trans](http://cvgairport.com/trans).
- (d) Authorized Commercial Operators shall be responsible for informing their drivers, employees, contractors, agents, and other representatives of the existence of the CPV Operating Policy, their obligation to adhere to the CPV Operating Policy while on Airport property, and where they may obtain a copy of the CPV Operating Policy for review. Although not required, Authorized Commercial Operators are strongly encouraged to disseminate the CPV Operating Policy to such drivers, employees, contractors, agents, and other

representatives who will operate on Airport property.

**(6) Special Civil Offenses and Penalties Pursuant to KRS 183.885.**

Notwithstanding any other provision of these Rules & Regulations to the contrary, pursuant to the lawful authority vested in the Board under KRS 183.885, violation of any of the following provisions shall be deemed a civil offense and violators shall incur and be assessed a fine in the amounts specified. In addition to the fines specified below, repeated violations of the following provisions may result in suspension or revocation of the violator's Authorization as set forth in subsection 01.05(3)(H) of this Regulation.

**(a) Dwell Times.**

1. **Designated Staging Areas:** No Authorized Commercial Operator shall dwell in a designated staging area (as established in the CPV Operating Policy) for a period greater than the limit established for the same in the CPV Operating Policy. Any Authorized Commercial Operator who violates this provision shall incur a penalty of One Dollar (\$1.00) for every ten (10) minutes, or partial ten (10) minutes, that the Authorized Commercial Operator continues to dwell in the designated staging area thereafter. By way of example only: if the CPV Operating Policy limits dwell time in a designated staging area to no more than two (2) hours, an Authorized Commercial Operator who dwells in such designated staging area for a period of 2 hours and 22 minutes, shall incur a penalty of Three Dollars (\$3.00).
2. **Designated Pickup Areas:** No Authorized Commercial Operator shall dwell in a designated pick-up area (as set forth in the CPV Operating Policy) for a period greater than the limit established for the same in the CPV Operating Policy. Any Authorized Commercial Operator who violates this provision shall incur a penalty of One Dollar (\$1.00) for each minute, or partial minute, that the Authorized Commercial Operator continues to dwell in the designated pick-up area thereafter. By way of example only: if the CPV Operating Policy limits dwell time in a designated pick-up area to no more than five (5) minutes, an Authorized Commercial

Operator who dwells in such designated pick-up area for a period of 7 minutes 37 seconds shall incur a penalty of Three Dollars (\$3.00).

- (b) **Bypass of Designated Staging Area.** No Authorized Commercial Operator shall provide an Airport Pickup without first entering the designated staging area (as established in the CPV Operating Policy) unless specifically exempted from such requirement under the CPV Operating Policy. Authorized Commercial Operators who violate this provision shall incur a penalty of Twenty Five Dollars (\$25.00) for each occurrence.
- (c) **Staging or Providing Airport Pickups in Other than Designated Areas.** No Authorized Commercial Operator shall stage or provide Airport Pickups in any area other than those designated for such purposes in the CPV Operating Policy. Authorized Commercial Operators who violate this provision shall incur a penalty of Twenty-Five Dollars (\$25.00) for each occurrence.
- (d) **Continuous Circling of Terminal on Airport Roadways.** No Authorized Commercial Operator shall circle the Airport Terminal on Airport roadways more than three (3) times in a one (1) hour period without providing an Airport Pickup. Any Authorized Commercial Operator who violates this provision shall incur a penalty of Fifty Dollars (\$50.00) for each occurrence.

- (7) For purposes of clarity, pursuant to the definition of Commercial Operator in subsection 01.05(1)(H) of this Regulation, the acts and omissions of drivers, employees, contractors, agents, and other representatives of a Commercial Operator shall be deemed to be the acts and omissions of the Commercial Operator.

**(H) Suspension or Revocation of Authorization.**

- (1) The CEO may suspend or revoke an Authorized Commercial Operator's Authorization, subject to a hearing, whenever the CEO has reason to believe that the Authorized Commercial Operator:
  - (a) has violated any rule, regulation, or ordinance of the Board or provision of its CPV Permit or CPV Contract, as the case may be;

- (b) has repeatedly violated the CPV Operating Policy;
- (c) has, upon Airport property, violated any federal, state, or local law or ordinance;
- (d) has, off Airport property, violated any federal, state or local law or ordinance, provided that such violation bears a reasonable relationship to the fitness of the Commercial Operator to provide Commercial Transportation;
- (e) has been issued a CPV Permit without making proper application therefor; has misrepresented any fact in the application; or is operating in a manner not in conformity with information submitted in the application;
- (f) has concealed or misrepresented any fact which would have rendered the Commercial Operator ineligible to enter into a CPV Contract;
- (g) has failed to provide or update any required documentation in a timely manner;
- (h) has failed to remit to the Board any fee or failed to submit any reports required under a CPV Permit or CPV Contract, as the case may be; or
- (i) has failed to pay any penalty incurred under this Regulation within the specified time frame.

(2) The CEO shall provide written notice by certified mail, return receipt requested, or by e-mail to an Authorized Commercial Operator whose Authorization is subject to suspension or revocation under the provisions of this Regulation. Said notice shall be sent to the mailing address or e-mail address of the Commercial Operator as furnished to the Airport on the CPV Permit application or as set forth in the CPV Contract, as the case may be. In the event an Authorized Commercial Operator is subject to suspension for failure to provide or update any required documentation or to remit or pay any outstanding fee or incurred penalty due and owing to the Board, said notice shall set forth the required documentation to be provided or updated and/or the outstanding fees or incurred penalties that must be remitted or paid to the Board before the Authorized Commercial Operator's Authorization will be reinstated. In the event an Authorized Commercial Operator is subject to suspension for any other reason, said notice shall set forth the period of the suspension.

(3) An Authorized Commercial Operator whose Authorization is subject to suspension or revocation under the provisions of this Regulation may request in writing that the CEO conduct a hearing to determine if the suspension or revocation of Authorization is proper. Such request for a hearing shall be in writing addressed to the CEO,

Cincinnati/Northern Kentucky International Airport, P.O. Box 752000, Cincinnati, Ohio 45275-2000. Such request must be made within fifteen (15) days after receipt of the notice of suspension or revocation. If the Authorized Commercial Operator does not request such a hearing, the hearing shall be waived.

- (4) Upon receipt of a request for a hearing, the CEO shall schedule a hearing, said hearing to take place not less than ten (10), nor more than twenty (20), days after the receipt of such request.
- (5) An Authorized Commercial Operator whose Authorization is subject to suspension or revocation under the provisions of this Regulation may continue to operate on Airport property during the pendency of the hearing and the issuance of the decision by the CEO.
- (6) In addition to providing or updating the required documentation and/or remitting or paying the outstanding fees or incurred penalties due and owing to the Board (as set forth in the CEO's written notice of suspension), a suspended Commercial Operator shall be required to pay to the Board a reinstatement fee of Twenty-Five Dollars (\$25.00) before Authorization may be reinstated.
- (7) Revocation of Authorization pursuant to this Regulation shall disqualify the Authorized Commercial Operator; any partnership or corporation in which the Authorized Commercial Operator is a partner, director, or principal officer; and/or any partnership or corporation in which the Authorized Commercial Operator may be substantially interested from seeking Authorization for a minimum of one year following the effective date of the revocation. The CEO may examine the ownership or management of any Commercial Operator seeking Authorization and shall deny Authorization to any person, firm, company or corporation whose Authorization has been revoked within the past calendar year and who is substantially interested in a Commercial Operator or who is a partner, director or principal officer in a Commercial Operator seeking Authorization. The renewal of a CPV Permit or CPV Contract shall not be construed as a waiver, or the condoning, of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against an Authorized Commercial Operator hereunder. Any Commercial Operator who seeks reinstatement of Authorization not less than one (1) year after a revocation shall only be granted Authorization by paying all outstanding fees or incurred penalties due and owing to the Board.

**(I) AVI System.** Notwithstanding any other provision in this regulation to the contrary, in the event the Board procures an AVI System to aid in the administration of Commercial Passenger Vehicle operations at the Airport and enforcement of the provisions of this Regulation, the CEO shall establish rules under the CPV Operating Policy referenced in subsection 01.05(3)(G)(5) of this Regulation to implement the same. In such event, all Authorized Commercial Operators shall be required to comply with such rules and to take whatever steps as may be necessary to implement the AVI System and to equip their Commercial Passenger Vehicles to interface with the same. Without limiting the generality of the foregoing, as part of implementing the AVI System under the CPV Operating Policy, the CEO is specifically authorized to establish fees to be paid by each Authorized Commercial Operator for the installation of AVI Tags or replacement AVI Tags on each Authorized CPV. In addition, the CEO shall be specifically authorized to utilize the AVI System to automatically monitor, assess, and invoice an Authorized Commercial Operator for incurred penalties under subsection 01.05(3)(G)(6) of this Regulation. Authorized Commercial Operators who have incurred such penalties shall pay the same on or before the date of payment specified in such invoice.

**(4) Non-Profit Passenger Vehicles.**

**(A)** No non-profit organization shall operate a Non-Profit Passenger Vehicle on Airport property to pick up passengers from the Airport without first registering the vehicle with, and obtaining permission from, the Board.

**(B)** In order to obtain permission to pick up passengers using a Non-Profit Passenger Vehicle, the non-profit organization operating the same must:

- (1)** furnish adequate proof of its status as a 501(c) non-profit organization under the Internal Revenue Code; and
- (2)** provide any other documentation that the CEO, in his or her discretion, may require.

**(C)** Notwithstanding the fact that Non-Profit Passenger Vehicles do not qualify as Commercial Passenger Vehicles as defined in this Regulation, the CEO shall promulgate, as part of the CPV Operating Policy referenced in subsection 01.05(3)(G)(5) of this Regulation, policies and procedures applicable to Non-Profit Passenger Vehicles operating on Airport property. Non-profit organizations who have registered a Non-Profit Passenger Vehicle with, and obtained permission to operate the same on Airport property from, the Board shall adhere to such provisions of the CPV Operating Policy made applicable to Non-Profit Passenger Vehicles. In addition, the civil offenses and penalties referenced in 01.05(3)(G)(6) may be made applicable to non-profit organizations operating Non-Profit Passenger Vehicles as the CEO, in his or her discretion, deems appropriate.

**(D)** In the event the Board procures an AVI System as contemplated under subsection 01.05(3)(I) of this Regulation, the CEO may require non-profit organizations operating Non-Profit Passenger Vehicles on Airport property to obtain an AVI Tag for said

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vehicles and to comply with such provisions of the CPV Operating Policy applicable to the same.

**(5) Interpretation, Implementation, Administration, and Enforcement.** The CEO shall be vested with the authority to interpret the provisions of this Regulation 01.05 and to take such actions as the CEO, in his or her reasonable discretion, deems appropriate to implement, administer, and enforce the same.

## **01.06 GENERAL PUBLIC AND MISCELLANEOUS**

**(1) Restricted Area** - No Person shall enter into any area restricted against general public use by the Chief Executive Officer or the Chief Operating Officer, except those Persons authorized to go into such area by the Chief Executive Officer or the Chief Operating Officer, airport employees authorized to go into such area or contract tenants or their employees authorized to go into such area. Any Person authorized to go into a Restricted Area shall provide indemnity and insurance protection to the Board of a nature and in an amount as determined by the Board or the Chief Executive Officer.

**(2) Sanitation** - No Person shall dispose of garbage, papers, or refuse or other material on Airport except in the receptacles provided for that purpose; nor use a comfort station other than in a clean and sanitary manner; nor consume food or drink beverages in the terminal buildings other than in areas designated for such purposes; nor expectorate on the floors, walls or other surfaces of any airport building.

**(3) Preservation of Property** - No Person shall destroy, injure, deface or disturb in any way any building, sign, equipment, marker or other structure, tree, flower, lawn or other property on the Airport; nor willfully abandon any personal property on the Airport; nor walk on the lawns and seeded areas of the Airport.

**(4) Interfering or Tampering with Aircraft** - No Person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools, without permission of the owner or by specific direction of the Chief Executive Officer, or the Chief Operating Officer.

**(5) Turnstiles and Coin Operated Doors** - No Person shall pass through, over, or under, a turnstile or coin operated door located on the Airport that requires the deposit of a coin for such privilege without depositing such coin in such turnstile or door. Children under twelve years of age are excepted.

**(6) Trash Containers** - No Person shall keep uncovered trash containers in any area. No vehicle used for hauling trash, dirt, or any other materials shall be operated on the Airport unless such vehicle is constructed so as to prevent the contents thereof from dropping, sifting, leaking, or otherwise escaping therefrom. Areas to be used for trash or garbage containers shall be designated by the Chief Operating Officer or Chief Executive Officer and no other areas shall be used. Such areas shall be kept clean and sanitary at all times.

**(7) Cleaning and Maintaining Automotive Equipment** - Cleaning of or otherwise maintaining automotive equipment shall be accomplished only in areas designated for that purpose by the Chief Executive Officer or the Chief Operating Officer.

**(8) Removal of Gas, Oil, Grease, etc.** - In the event of spillage or dripping of gasoline, oil, grease, or any material which may be unsightly or detrimental to the pavement, or which might cause a safety hazard, the same shall be removed immediately. The responsibility for the immediate removal of such gasoline, oil, grease, or other material shall be assumed by the operator of the aircraft or vehicle causing the same or by the tenant or concessionaire responsible for the deposit thereof on the pavement.

**(9) (9) Animals -**

(A) No Person may bring an animal into the Airport except:

1. Non-service animals to be or that have been transported by air. Nonservice animals to be or that have been transported by air must be properly confined as set forth in subparagraph (B) below before entering the Terminal buildings;
2. A Service Animal that is harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the individual's disability prevents using these devices in which case the individual must maintain control of the animal through voice, signal, or other effective controls.
3. A Miniature Horse to do work or perform tasks for an individual with a disability.
4. An animal which remains inside a motor vehicle at all times;
5. An animal used for law enforcement and security screening purposes; or
6. Animals authorized by the Chief Executive Officer or designee for special events.

(B) All non-service animals permitted under subparagraph (A)(1) must be contained in a pet carrier or, if no pet carrier is present, the non-service animal must be restrained by a leash and must be within five feet of the handler. Such non-service animals must be completely under control of the handler at all times. In accordance with applicable law, non-service animals permitted under subparagraph (A)(1) above are not allowed in any restaurant or food service facility at the Airport. Non-service animals that are not in a pet carrier are not permitted on any moving conveyance system at the Airport, except elevators.

(C) Airport Police may exclude any animal, including a Service Animal and Miniature Horse, from the Airport when that animal's behavior poses a direct threat to the health or safety of others. For example, any Service Animal that displays vicious behavior towards other guests or customers may be excluded.

(D) No Person other than those authorized by the Chief Executive Officer or designee will hunt, pursue, trap, catch, injure or kill any animal on the Airport.

(E) No Person will feed or do any other act to encourage the congregation of birds or other animals on the Airport.

(F) No Person will permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate on the sidewalks of the Airport or within any Airport building, except in the designated Service Animal Relief Areas located at the Airport.

**(10) Intentionally Omitted.**

**(11) Smoking or Carrying Lighted Materials or Open Flame**

(A) No Person shall smoke or carry lighted cigarettes, cigars, pipes, matches or any open flame, or use any electronic cigarette in or upon the public areas of any building on the Airport, except in designated smoking areas.

(B) The Chief Executive Officer of the Kenton County Airport Board may designate separate smoking areas within the public areas in any such building where appropriate.

**(12) General Prudential Rule** - No Person in or upon the Airport shall do or omit to do any act if the doing or omission thereof endangers unreasonably or is likely to endanger unreasonably Persons or property.

**(13) Floor Care** - All Lessees on the Airport shall keep the floors of the hangars or other buildings, terminal aprons, pits and areas adjacent thereto leased or used by them respectively, free and clear of oil, grease and other flammable material. The floors of hangars and other buildings shall be cleaned daily and continuously kept free of rags, waste material and other trash or rubbish.

**(14) Protection of Feet** - No Person may tread in or upon the Airport Terminal Buildings without having the bottom of each foot completely covered by a shoe, boot, sandal or cast.

**(15) Intentionally Omitted.**

**(16) Waste** - Lessees of hangars or other aircraft servicing or maintenance buildings, terminal buildings or other areas shall provide suitable metal receptacles with self-closing covers for the storage of oily wastes, rags and other rubbish and trash. All waste within this general classification shall be removed by the Lessees from the Airport premises daily.

## **01.062 USE OF AIRPORT FOR FIRST AMENDMENT ACTIVITIES**

Subsection 01.062 is promulgated for the purposes of regulating the time, place, and manner in which a Person may engage in Expressive Activity at the Airport. Such regulations seek to strike an appropriate balance between the First Amendment right of free expression with the Board's right to preserve the Airport for its primary purpose of efficient air travel. The intent of these time, place, and manner regulations is to ensure that any Person engaging in Expressive Activity at the Airport does not materially impact or affect the Airport's security, operational efficiency, revenue, and/or aesthetics—all of which are fundamental, essential components of efficient air travel—in a manner that undermines the Airport's primary purpose. Therefore, any Person desiring to use the Airport for the purpose of engaging in Expressive Activity shall do so only in accordance with the time, place, and manner regulations set forth in this Subsection.

**(1) Considerations.** The time, place, and manner regulations of this Subsection are necessary to address the following concerns, all of which are paramount considerations the Board has taken into account in striking a balance between the First Amendment right of free expression and the Board's right to preserve the Airport for efficient air travel:

(A) Providing ample channels of communication to Persons seeking to engage in Expressive Activity at the Airport;

(B) Ensuring adequate nearby police presence for the protection of Persons engaging in Expressive Activity;

(C) Limiting such Expressive Activity to certain areas of the Airport in which the

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- Expressive Activity will not adversely impact essential components of efficient air travel, such as security, operational efficiency, revenue, and aesthetics; and
- (D) Protecting users of the Airport from harassment, intimidation, and unlawful conduct on the part of Persons engaging in Expressive Activity.

**(2) Creation of Designated Areas for Expressive Activity; Expressive Activity limited to Designated Areas; Permit Required.**

- (A) The Board hereby creates Designated Areas at the Airport for Persons to engage in Expressive Activity at the Airport. These Designated Areas are set forth on Exhibits B1-4, attached hereto and made a part hereof. Recognizing that each form of Expressive Activity presents unique concerns regarding the impact such form may have on Airport security, operational efficiency, revenue, and aesthetics, the Board has set forth on Exhibits B1-4 the particular forms of Expressive Activity permitted in each Designated Area.
- (B) In order to preserve Airport security, operational efficiency, revenue, and aesthetics, Expressive Activity is prohibited at the Airport outside of the Designated Areas.
- (C) No Person shall engage in Expressive Activity at the Airport without first obtaining a proper Permit as provided in Subsection 01.062(5).
- (D) There shall be no more than two (2) members of a group in a Designated Area purposed solely for Free Exercise/Literature Distribution and/or Solicitation. Up to ten (10) members of a group are permitted in a Designated Area permitting Marching/Demonstrating, provided that no more than two (2) members of any group may engage in Free Exercise/Literature Distribution in such areas.
- (E) No more than one (1) Permit shall be issued per Designated Area at any given time.
- (F) No more than two (2) Designated Areas shall be allotted to any group at any given time.

**(3) Definitions and Construction.**

- (A) *Definitions.* As used in this Subsection only, the following definitions shall apply:
  - (1) “Designated Area” is defined as one of several places at the Airport in which engaging in Expressive Activity is permitted with a duly authorized Permit.
  - (2) “Expressive Activity” is defined as the act of engaging the public in Free Exercise/Literature Distribution, Marching/Picketing, or Solicitation.
  - (3) “Free Exercise/Literature Distribution” is defined as communicating or conveying idea(s), message(s), or opinion(s), to the public, including, but not limited to, leafleting, handing out, or other dissemination of documents or other similar material that contains or sets forth language or some other form of written or printed communicative matter, symbols, or images, not involving Marching/Picketing or Solicitation.
  - (4) “Marching/Picketing” is defined as the posting, procession, or gathering of a group of individuals who are supporting or protesting a particular subject in a combined demonstration to the public, not

- involving Solicitation.
- (5) “Obscene Material” is defined as material that:
    - (a) To the average person, applying contemporary community standards, the predominant appeal, taken as a whole, is to prurient interest in sexual conduct;
    - (b) Depicts or describes the sexual conduct in a patently offensive way; and
    - (c) Taken as a whole, lacks serious literary, artistic, political, or scientific value.
  - (6) “Permit” is defined as the certificate issued by the Chief Executive Officer or the Chief Executive Officer’s authorized representative authorizing the Permittee(s) named on the certificate to engage in Expressive Activity at the Airport, subject to the regulations set forth in this Subsection.
  - (7) “Permittee” is defined as any Person or group who has been issued a Permit by the Chief Executive Officer or the Chief Executive Officer’s authorized representative. Permittee includes, both individually and collectively, the Person responsible for completing the application and any member of that Person’s group listed on the application and Permit.
  - (8) “Sign” is defined as any combination of letters, pictures, characters, or other communicative display used to identify or direct attention to some activity or direction.
  - (9) “Solicitation” is defined as any request, whether spoken or communicated by conduct or some form of Sign or message, to the public for the immediate exchange of a donation, bequest, or other form of grant of funds, money, negotiable instrument, or other valuable asset, to the Person making the request, or to any other Person or group.

(B) *Limiting Construction.* For purposes of Subsection 01.062, the definition of “Expressive Activity” shall not include or refer to the communication, conveyance, or document distribution of an idea, message, or opinion that is incidental to the Person’s purpose for being at the Airport and is not intended for the public-at-large, such as conversation, discussion, or other forms of contact among and between travelers.

**(4) General Regulations.**

- (A) Each Person must abide by all pertinent local, state, and federal laws, statutes, rules, regulations, and ordinances while at the Airport.
- (B) Each Person must, at all times, conduct themselves in a peaceful manner.
- (C) No Person shall do any of the following on Airport property:
  - (a) Sell anything for commercial purposes, except by contract with the Board;
  - (b) Make a noise or other sound which substantially interferes with the ability of others to hear public announcements or which

substantially interferes with the transaction of business with airlines, concessionaires, or lessees;

- (c) Interfere with the free passage to, or access of, other Persons to corridors, entrances, doorways, offices, or Airport facilities;
- (d) Erect a table, chair, or other structure (other than an easel or similar stand, as permitted by Subsection 01.062(5)(F)(5)); or
- (e) Litter or dispose of any trash or refuse at the Airport, except in properly marked containers.

(D) Solicitation shall only be permitted on behalf of not-for-profit organizations for charitable, philanthropic, patriotic, political, educational, religious, or other like non-profit purposes.

(5) **Permits.** As set forth in Subsection 1.062(2), any Person or group desiring to engage in Expressive Activity at the Airport shall first obtain a written Permit from the Chief Executive Officer or the Chief Executive Officer's authorized representative(s), as follows:

(A) To obtain a Permit, each Person or group desiring to engage in Expressive Activity shall prepare an application, in a form authorized by the Chief Executive Officer or the Chief Executive Officer's authorized representative, which shall be submitted either in paper or electronic form, whichever the Chief Executive Officer or the Chief Executive Officer's authorized representative shall require. The Application shall require the following information and such other information as the Chief Executive Officer or the Chief Executive Officer's authorized representative may require, consistent with the purpose and intent of this Subsection:

- (1) The full name, mailing address, and telephone number of the Person sponsoring, promoting, or conducting the proposed Expressive Activity who shall be the primary point of contact with the Board;
- (2) A brief explanation of the form of the proposed Expressive Activity;
- (3) Whether the proposed Expressive Activity is for Free Exercise/Literature Distribution, Marching/Picketing, or Solicitation;
- (4) The number of Persons that will be engaged in the Expressive Activity and their names;
- (5) The applicant's requested Designated Area to perform the proposed Expressive Activity;
- (6) The dates and hours the Person(s) listed desire to engage in the proposed Expressive Activity;
- (7) A copy of any literature to be distributed and/or Signs to be displayed; and
- (8) In addition to the foregoing, for applicants proposing to engage in Solicitation:
  - (a) the name, mailing address, and telephone number of the organization on behalf of which the applicant intends to solicit;
  - (b) an attachment of reliable documentary evidence of the not-for-profit status of the organization sponsoring and/or conducting

the Solicitation; and

- (c) a copy of a letter or other written statement on the stationery of the organization in question stating that the organization has authorized the Person(s) in question to solicit funds in its name and on its behalf.
- (B) Applicants shall submit their applications to the Chief Executive Officer or the Chief Executive Officer's authorized representative no more than seven (7) days, nor less than three (3) days, prior to the first date requested by the applicant for the proposed Expressive Activity.
- (C) No Permit shall be denied to an applicant based upon the identity of the Person(s) desiring to engage in the Expressive Activity, nor shall a Permit be denied based upon the subject matter or viewpoint of the proposed Expressive Activity. Permits shall only be denied based on the applicant's failure to provide all of the information required under Subsection 01.062(5)(A) or failure to adhere to the Rules and Regulations of the Airport.
- (D) Designated Areas shall be assigned on a first-come, first-served basis.
  - (1) In the event that an applicant's requested Designated Area has already been allotted to other applicants for the date(s) requested, such applicant shall have the option of either being assigned a different Designated Area that is compatible with the proposed Expressive Activity for the date(s) requested, if available, or having first priority for the requested Designated Area at the next available date.
  - (2) In the event that all Designated Areas have been allotted to other applicants for any of the date(s) requested by an applicant, such applicant shall have first priority at the next available date.
- (E) Upon determining that an applicant has provided all information required by Subsection 01.062(5)(A) and that there is an available Designated Area compatible with the applicant's proposed Expressive Activity for the date(s) requested, the Chief Executive Officer or the Chief Executive Officer's authorized representative shall issue a Permit designating the authorized date(s) for the proposed Expressive Activity and the specific Designated Area assigned to the Permittee for such date(s). Permits shall authorize the Permittee(s) to engage in Expressive Activity for a maximum of five (5) days before the Permittee shall be required to submit a new application
- (F) In addition to the foregoing requirements, Permittees shall only engage in Expressive Activity in accordance with the following terms and conditions, which shall:
  - (1) authorize the Permittee(s) to engage in Expressive Activity at the Airport only in the specific Designated Area marked on the Permit;
  - (2) authorize only those Persons listed on the Permittee's application to participate in Expressive Activity;
  - (3) limit Expressive Activity at the Airport to the hours between 9:00 a.m. and 11:59 p.m.;

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- (4) limit Signs to no more than six (6) square feet in area per person;
- (5) limit each Designated Area to one (1) easel (or similar stand) for the display of Signs, which shall be no more than five (5) feet in height;
- (6) prohibit the placement, affixation, or other attachment of any matter—whether written, symbolic, or graphic—to any Airport structure or facility;
- (7) prohibit the use of any sound or voice amplification device;
- (8) prohibit repeated communications or encounters with the same person, physically disturbing any person, or soliciting, harassing, or proselytizing any person who has clearly communicated a desire to be left alone;
- (9) prohibit each Permittee from misrepresenting his or her identity or indicating to the public that he or she is a representative of the Airport or the Board;
- (10) prohibit each Permittee’s use of any Airport electrical outlet in connection with the Permittee’s Expressive Activity;
- (11) prohibit the display or distribution of any:
  - (a) Obscene Material;
  - (b) material that is directed to inciting or producing imminent lawless action and is likely to incite or produce such action, or otherwise violates any local, state, or federal law or regulation;
- (12) require each Permittee, upon arrival at the Airport on each day that Expressive Activity has been authorized, to check-in at the location designated on the application, at which point each Permittee shall furnish all items and materials to be utilized in the Permittee’s Expressive Activity in order to ensure compliance with the Rules and Regulations of the Board; and
- (13) require each Permittee to clearly display at all times, on the Permittee’s outermost layer of clothing, the badge or insignia issued by the Chief Executive Officer or the Chief Executive Officer’s authorized representative.

**(6) Miscellaneous.**

- (A) The Chief Executive Officer or the Chief Executive Officer’s authorized representative(s) may declare an emergency on account of unusually congested conditions at the Airport, on account of emergency conditions or circumstances that disrupt the normal operations of the Airport, or on account of health and safety measures. In the event that such an emergency is declared, an announcement shall be made. All Permittees shall immediately cease Expressive Activities for the duration of such emergency. An announcement to the public shall also be made by the Chief Executive Officer or the Chief Executive Officer’s authorized representative when the emergency has ended, at which time activities may be resumed. Under no circumstances shall the emergency powers granted hereunder be exercised for the primary purpose of suppressing speech.
- (B) In addition to the foregoing, without further need to amend the Rules and

Regulations and without further Board action, the Chief Executive Officer may add, delete, or relocate Designated Areas to provide for the orderly flow of pedestrian traffic, or in the interest of safety, aesthetics, security, or as may be required by construction, renovation, demolition, or improvements at the Airport. Such additions, deletions, or relocations of the Designated Area shall be authorized in writing by the Chief Executive Officer, which writing shall contain amended Exhibits B1-4 and be filed with the Secretary of the Board.

- (C) The Chief Executive Officer or the Chief Executive Officer's authorized representative shall have the authority to revoke a Permit if the Permittee fails to abide by the terms and conditions of the Permit or violates any other provision of the Rules and Regulations of the Board.
- (D) For each and every breach of any provision of Subsection 01.062, a Person is subject to the penalties set forth or referred to at Subsection 01.10 of the Rules and Regulations of the Board.
- (E) Any Person who has obtained a Permit and has breached any provision of Subsection 01.062 on two (2) or more occasions shall be barred from receiving a Permit for one (1) calendar year from the date of the second breach.
- (F) This Subsection 01.062 is a part of the Rules and Regulations of the Board, and accordingly, among other things, Subsection 01.08 (Severability or Invalidity) is applicable hereto.

**(7) Commercial Speech.**

- (A) The Chief Executive Officer shall have the authority to promulgate a written policy governing commercial displays and advertisements at the Airport, which shall be made available to the public upon request.
- (B) No Person shall engage in commercial activity at the Airport, except as provided under Subsection 01.02 of these Rules and Regulations.

**01.065 OPEN RECORDS REQUEST**

(1) As used herein in this Regulation 01.065, the following terms shall have the following meaning:

**(A) Agency.** Kenton County Airport Board and any committee, subcommittee, ad hoc committee or advisory committee which has been or shall be established, created and controlled by the Kenton County Airport Board.

**(B) Applicant.** Any Person who shall request to inspect any public record of the Agency.

**(C) Custodian.** The official Custodian or any other authorized Person having personal custody and control of any public records of the Agency.

**(D) Official Custodian.** The Person hereinafter designated, who by reason of such designation shall be responsible for the maintenance, care and keeping of the public records of the Agency, regardless of whether such records are in his actual personal custody and control.

**(E) Principal Office of the Agency.** Administration offices, Cincinnati/Northern Kentucky International Airport, Boone County, Kentucky.

**(F) Public Records.** Any and all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings or other documentary materials, regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, or retained by the Agency, but excluding any and all records owned or maintained by or for a body which derives at least twenty-five percent (25%) of its funds expended by it in the Commonwealth of Kentucky from state or local authority funds that are not related to functions, activities, programs, or operations funded by state or local authority.

(2) The purposes of the rules and regulations embodied herein are as follows:

(A) to provide to the public full access in order to allow free and open examination of the public records of the Agency;

(B) to provide assistance and information to any applicant who seeks to inspect the public records of the Agency;

(C) to insure efficient and timely action in response to any application for the inspection of the public records of the Agency;

(D) to protect the public records of the Agency from damage and disorganization;

(E) to protect excessive disruptions of the essential functions of the Agency; and

(F) to prevent the disclosure of any public records of the Agency that the Agency (1) by reason of KRS 61.878, is prohibited to disclose and (2) which are not open for inspection except by an order of a court of competent jurisdiction.

(3) The Agency does hereby designate the Vice President of Business Administration of the Kenton County Airport Board to be the Official Custodian of the public records of the Agency. The Official Custodian shall be responsible for the maintenance, care and keeping of the public records of the Agency, regardless of whether such records are in his or her actual personal custody

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and control, and shall have all the powers and duties specified herein. The Official Custodian's address is the Agency's principal office at 77 Comair Boulevard, Erlanger, Kentucky 41018 with regular office hours from 9:00 a.m. to 5:00 p.m. Monday through Friday (excluding holidays).

(4) The Official Custodian shall designate an employee of the Agency to act as Official Custodian during all such times that he is unable to perform his or her duties hereunder. The designate of the Official Custodian shall have all of the powers and duties of the Official Custodian at such times that s/he shall act as Official Custodian.

(5) In the event of the death, resignation or removal of the Official Custodian, the Agency shall immediately designate his or her successor, whether acting or permanent, as the Official Custodian. Upon the designation of a new Official Custodian, the Agency shall cause the name, address and title of said new Official Custodian and the date of designation to be attached to the copy of these rules and regulations.

(6) All public records of the Agency, except those public records of the Agency set forth in KRS 61.878 shall be open for inspection by any Person pursuant to this Regulation 01.065 and Kentucky Revised Statutes 61.870 to 61.884.

(7) The procedure to be followed in requesting for inspection public records of the Agency shall be as follows:

(A) Any applicant shall direct his request to inspect the public records of the Agency to the Official Custodian. Upon any such request, the Official Custodian may, in his discretion, require the applicant to submit in writing an application describing the public records of the Agency requested for inspection. The application shall include the applicant's name printed legibly thereon, and shall be signed by the applicant. The application shall be hand-delivered, mailed or sent via facsimile to the public agency.

(B) After the receipt of any such request, the Agency shall within three (3) days (excepting Saturdays, Sundays and legal holidays) determine whether to comply with the request and within said three (3) day period the Official Custodian shall notify in writing the applicant of the determination of the Agency. If the Agency shall determine that a public record of the Agency requested for inspection shall be made available for inspection, and if that public record is in active use, in storage or for some other reason shall not be made available for inspection within three (3) days from the receipt of the request to inspect, the Official Custodian shall in his notification to the applicant state a detailed explanation of the cause for the delay and shall notify the applicant of the place, time and the date on which that public record will be made available for inspection.

(C) Whenever the Agency shall determine that a public record of the Agency requested for inspection is to be made available for inspection, that public record of the Agency

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shall be made available to the applicant of that public record of the Agency for inspection and suitable facilities shall be made available by the Agency for the exercise of this right. Any and all inspections of the public records of the Agency may be made by either of the two following methods: 1) a Person may inspect the public records during the regular office hours of the Agency and shall take place in the facilities provided at the principal office of the Agency; or 2) by receiving copies of the public records from the Agency through the mail. The Agency shall mail copies of the public records to a Person whose residence or principal place of business is outside the county in which the public records are located after he or she precisely describes the public records which are readily available within the Agency. No Person shall remove any original copy of any public record of the Agency from the offices of the Agency without the written permission of the Official Custodian.

(D) Upon inspection, the applicant shall have the right to make abstracts of any memoranda from the public records which he shall be inspecting, and to obtain copies of all written public records. The Official Custodian shall upon the request of the applicant make copies of any public records of the Agency that the applicant is inspecting, provided that, the applicant shall make this request in writing to the Official Custodian and shall pay the fee, including postage where appropriate, in advance. If an applicant requests copies of public records of the Agency other than written records of the Agency, the Official Custodian shall permit the applicant to duplicate such records, provided that, such duplication shall to the satisfaction of the Official Custodian not damage or alter the public records of the Agency that shall be so duplicated.

(8) Whenever the Agency shall determine that any public record of the Agency is a public record and that the Agency by reason of K.R.S. 61.878 is prohibited to disclose or open for inspection, in whole or in part, except by an order of a court of competent jurisdiction, the Official Custodian shall within three (3) days, (excepting Saturdays, Sundays and legal holidays) after the receipt of the request of inspection, notify in writing the applicant of the determination of the Agency. The Official Custodian shall include in such notification a statement of the specific exception that authorized the withholding of the public records requested for inspection and a brief explanation of how this exception applies to the public record of the Agency that is to be withheld. The response shall be issued by the Official Custodian or under his or her authority, and it shall constitute final Agency action.

(9) A Person may enforce his or her rights relative to an Agency's actions (or inaction) concerning public records in one of the following manners:

(A) If a complaining party wishes the Attorney General to review the Agency's denial of a request to inspect a public record, the complaining party shall forward to the Attorney General a copy of the written request and a copy of the written response denying inspection. If the public agency refuses to provide a written response, a complaining party shall provide a copy of the written request. The Attorney General shall review the request and denial and issue within ten (10) days, excepting Saturdays, Sundays and legal holidays, a written decision stating whether the Agency violated the provisions of KRS 61.870 to 61.884. On the day that the Attorney General renders his decision, he shall mail a copy to the Agency and a copy to the Person who requested the

record in question. The burden of proof in sustaining the action shall rest with the Agency, and the Attorney General may request additional documentation from the agency for substantiation. Whenever the Attorney General shall request additional documentation from the Agency in order to review the determination of the Agency, the Official Custodian shall fulfill such request, and the Official Custodian shall, upon the request of the Attorney General, forward a copy of the public record of the Agency that the Agency shall have determined to withhold from the applicant, provided that the Attorney General shall not disclose such public record of the Agency. A party shall have thirty (30) days from the day that the Attorney General renders his or her decision to appeal the decision. An appeal within the thirty (30) day time limit shall be treated as if it were an action under this Regulation.

If an appeal is not filed within the thirty (30) day time limit, the Attorney General's decision shall have the force and effect of law and shall be enforceable in the Boone Circuit Court or in the Circuit Court of the county where the public record is maintained.

(B) The Boone Circuit Court or the Circuit Court of the county where the public record is maintained shall have jurisdiction to enforce the provisions of KRS 61.870 to 61.884, by injunction or other appropriate order on application of any Person. A Person alleging a violation of the provisions of KRS 61.870 to 61.884 shall not have to exhaust his or her remedies under this regulation before filing suit in a Circuit Court.

(C) In an appeal of an Attorney General's decision, where the appeal is properly filed pursuant to this regulation, the court shall determine the matter de novo. In an original action filed pursuant to this regulation or an appeal of an Attorney General's decision where the appeal is properly filed pursuant to this regulation, the burden of proof shall be on the Agency. The court on its own motion, or on motion of either of the parties, may view the records and controversy in camera before reaching a decision. Any noncompliance with the order of the court may be punished as contempt of court.

(D) If an action is filed in Circuit Court, its proceedings and judgment shall comply with KRS 61.880 and 61.882.

(10) The fee which the Official Custodian shall charge an applicant in making copies of a public record of the Agency shall be 15 per page, plus postage where appropriate.

(11) If a request for the inspection of the public records of the Agency shall place an unreasonable burden on the Agency in producing public records or if the Official Custodian has reason to believe that repeated requests for the inspection of the public records of the Agency are intended to disrupt other essential functions of the Agency, the Official Custodian may refuse to permit the application requesting these public records of the Agency to inspect said public records or mail copies thereof. However, refusal under this Section shall be sustained by clear and convincing evidence.

(12) Within the limitations set forth in KRS 61.870 to 61.884, an applicant shall, upon request, have access to any public record of the Agency that shall relate to him or in which he is mentioned by name, provided that he shall present to the Official Custodian appropriate identification, unless the Agency by reason of K.R.S. 61.878 has reason to exclude such public record.

If the Person to whom the application requesting inspection of public records is directed does not have custody or control of the public record requested, such Person shall so notify the applicant and shall furnish the name and location of the custodian of the public record, if such facts are known to him or her.

If any public record contains a combination of material which is both excepted and not excepted under KRS 61.878, the Agency shall separate the exception and make the nonexcepted material available for examination.

In the event a Person feels the intent of KRS 61.870 to 61.884 is being subverted by the Agency short of denial of inspection, including but not limited to the imposition of excessive fees or the misdirection of the applicant, the Person may complain in writing to the Attorney General and the complaint shall be subject to the same adjudicatory process as if the record had been denied.

(13) The Agency shall at all times keep posted in a conspicuous place in the principal office of the Agency a copy of those rules and regulations together with any and all amendments thereto.

## **01.075 PASSENGER FACILITY CHARGE**

The imposition of a Passenger Facility Charge ("PFC"), as well as the collection, remittance, reporting and use of a PFC, shall be in accordance with and as prescribed by Federal law.

## **01.08 SEVERABILITY OR INVALIDITY**

Notwithstanding other evidence of interest, it is hereby declared to be the controlling legislative interest, that if any provision of these Rules and Regulations, or the application thereof to any Person or circumstances, is held invalid, the remainder of the Rules and Regulations and the application of such provision to Persons or circumstances, other than those as to which they are held to be invalid, shall not be affected thereby.

## **01.09 FEDERAL REGULATIONS ASCENDANT**

The rules and regulations promulgated herein shall in no way supersede or abrogate regulations set forth in Federal Aviation Administration (FAA) Part 107 (Airport Security) or Part 139 (Certification and Operations of Land Airports).

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## **01.10 PENALTIES**

(1) Any Person charged with illegal parking in violation of Regulation 01.05(2)(E), except as otherwise provided herein, may, in lieu of being summoned to the District Court for a hearing, pay a fine for such violation. If said payment is made within five (5) days of the date of the citation, the fine shall be Ten (\$10.00) Dollars. If payment is made more than five (5) days after the date of the citation but with ten (10) days of the date of the citation, the fine shall be Fifteen (\$15.00) Dollars. After ten (10) days, payment of the fine shall not be permitted under this Section, and the violator shall be summoned to the District Court for a hearing, and shall be subject to the penalties set forth in Regulation 01.10, Section (2), below. All fines under this Section shall be paid to the Boone County Fiscal Court, at the address designated on the citation. This Section shall not apply to parking penalties set forth in Regulation 01.10, Section (2), below. All fines under this Section shall be paid to the Boone County Fiscal Court, at the address designated on the citation. This Section shall not apply to parking violations within the Air Operations Area, which shall be punished in accordance with Regulation 01.10 (2), below, or to dwell time violations listed in Regulation 01.05(3)(G)(6), which shall be punished as specified therein.

(2) Any Person violating any of the provisions of these rules and regulations shall be fined not less than Ten (\$10.00) Dollars, nor more than One Hundred (\$100.00) Dollars, or imprisoned not more than ninety days or both. (K.R.S. 183.990(1)).

(3) Any Person violating any provision of the Kentucky Revised Statutes and regulations, federal statutes and regulations, and all applicable local laws and ordinances shall be subject to the penalties provided therein.

(4) In addition to the foregoing, any Person violating any traffic or parking regulation may be denied permission to operate vehicles on the Airport, and any vehicle parking in violation of these regulations may be removed and impounded by the Airport Police or its designee, at the expense of the violator. (K.R.S. 183.885(1)(b)). Any Person who provides, or enters onto Airport property with the intent to provide, an Airport Pickup without Authorization, as each of those terms are defined in Regulation 01.05(1), shall be subject to a fine of Two Hundred Dollars (\$200.00). (K.R.S. 183.885(1)(a)-(c)). It shall be prima facie evidence that a Person has entered onto Airport property with the intent to provide an Airport Pickup without Authorization if such Person is observed in a Commercial Passenger Vehicle, other than an Authorized CPV, dwelling on Airport property without a passenger or continually circling the Airport roadways without a passenger.

(5) In addition to the foregoing, any air carrier violating any provision of these rules and regulations pertaining to the timely remittance of revenue pursuant to 14 CFR Part 158 shall be subject to a service charge at the rate of ten percent (10%) per annum on the past due balance of any such revenue.

(6) In addition to the foregoing, any Person violating Regulation 01.04(60) thru (62) of these Rules and Regulations pertaining to operations and/or the performance of services in

Restricted Areas and/or the Air Operations Area may be denied permission to perform such services and/or work on the Airport.

(7) In addition to the foregoing, any Person violating the provisions of Regulation 01.04 (28) shall be subject to a fine of not less than \$50.00 per Identification Badge not surrendered to the Chief Operating Officer and/or his designee in the manner prescribed therein.

(8) In addition to the foregoing, Persons violating the provisions of Regulation 01.04 (2) through (59), (63) through (71), and (73) through (76) shall be subject to the penalties specified in this Regulation 01.10 (8) and issued a Ramp Citation by Airport Police for the violation. See Regulation 01.105 for Enforcement. The penalties provided herein for violations of Regulation 01.04 vary depending on the particular offense with each offense being classified in one of the following three penalty levels and with each of the three penalty levels specifying elevated penalties for the second or multiple offense within the penalty level within the past two years. In addition, violations of provisions (73) through (75) carry additional penalties. A violation committed by a Person two or more years ago, or a prior violation that relates to a different penalty level shall not elevate the penalty for the most recent offense.

(A) Level One Penalties:

1<sup>st</sup> Offense - Warning.

2<sup>nd</sup> Offense - Retraining within 5 days of violation.

3<sup>rd</sup> Offense- One-day suspension from access to the AOA ID held until violator and supervisor go through retraining at the ID Center.

4<sup>th</sup> or More - Will be at the discretion of the Chief Operating Officer or his designee, which could have a suspension of up to one year or permanent revocation of ID.

(B) Level Two Penalties:

1<sup>st</sup> Offense - Immediate confiscation of ID by Airport Police, -- ID held until violator and supervisor go through retraining at the ID Center.

2<sup>nd</sup> Offense - Immediate confiscation of ID by Airport Police, seven days suspension ID held until violator and supervisor go through retraining at the ID Center.

3<sup>rd</sup> or More - Will be at the discretion of the Chief Operating Officer or his designee, which could have a suspension of up to one year or permanent revocation of ID.

(C) Level Three Penalties:

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1<sup>st</sup> Offense- Immediate confiscation of ID by Airport Police, seven days suspension ID held until violator and supervisor go through retraining at the ID Center.

2nd or More - Will be at the discretion of the Chief Operating Officer or his designee, which could have a suspension of up to one year or permanent revocation of ID.

(D) Violations of the following provisions of Regulation 01.04 shall constitute a level one violation: (2), (5), (8), (9), (10), (12) thru (26), (28), (29), (34), (35), (36), (43) thru (54), (56) thru (59), (70), (73)(A)(3), (73)(B)(1), (73)(B)(2) and (76). Violations of the following provisions of Regulation 01.04 shall constitute a level two violation: (11), (33), (37), (38), (40), (41), (42), (55), (66), (68), (69), (74) and (75). Violations of the following provisions of Regulation 01.04 shall constitute a level three violation: (3), (4), (6), (7), (30) thru (32), (39), (63), (64), (65), (67), (71), (73)(A)(1), and (73)(A)(2).

(E) Additional Penalties for Violations of Regulation 01.04 (73) thru (75).

(1) In addition to the penalties set forth above, if any violation of Regulation 01.04 (73) causes the Board to incur a fine from a federal government agency, both the Person committing such violation and that Person's employer shall be jointly and severally liable to the Board for the amount of the fine.

(2) In addition to the penalties set forth above, for violations of Regulation 01.04 (74) and/or (75), the Board shall investigate the circumstances surrounding the violation, determine the extent of the violation, and may issue up to a \$500 fine for which both the Person committing the violation and that Person's employer shall be jointly and severally liable to the Board. Depending on the severity of the violation, the Person's right to operate in the AOA may be permanently revoked.

(3) Any Person who desires to appeal the imposition of a penalty set forth under this Regulation 01.10(8)(E) may appeal the issuance of the penalty if written notice of appeal is delivered to the Chief Operating Officer within seven (7) days after issuance of the penalty. The written notice of appeal and the hearing procedure shall be the same as provided for an appeal of a Ramp Citation under Regulation 01.105.

## **01.105 ENFORCEMENT OF RAMP CITATIONS**

In addition to the penalties set forth in Regulation 01.10, officers may issue Ramp Citations to individuals for violations of the provisions of Regulation 01.04. A copy of the Ramp Citation will be forwarded to the offending individuals employer with a letter from the Chief Operating Officer. Ramp Citations are divided into three levels, with each level having applicable penalties for the first and multiple violations. See Regulation 1.10(8).

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If a Person's Personnel Identification Badge is confiscated, the individual will be escorted from the Airport Security Area. If a Person is required to attend a recertification class, the Person will not be permitted access to the Airport Security Area until such time as the individual has attended a recertification class and if a Person fails to attend a recertification class within ten (10) days after issuance of the Ramp Citation the Person will be deleted from the Security Access System. Individuals attending recertification classes are required to sign a recertification form agreeing to comply with Airport Rules and Regulations pertaining to restricted access. When a Personnel Identification Badge is confiscated or suspended a reasonable reinstatement fee will be assessed.

A Person may appeal the issuance of any Ramp Citation if written notice of appeal is delivered to the Chief Operating Officer within seven (7) days after issuance of the Ramp Citation. The written notice of appeal must state the offense (or offenses) charged and the basis for appeal. Upon timely receipt of the written notice of appeal by the Chief Operating Officer, the penalty for the violation(s) will be suspended until the Hearing Officer renders a decision, but in no event will the individual be permitted access to Restricted Areas within a twenty-four (24) hour period after the individual's Personnel Identification Badge has been confiscated.

The Chief Operating Officer, or his designee, will serve as the Hearing Officer for all appeals. The Hearing Officer shall schedule a hearing to take place within twenty (20) days after delivery of the written notice of appeal. The Hearing Officer shall provide written notice of the time, date and place of the hearing to interested parties at least five (5) days prior to the hearing. The hearing shall be conducted on an informal basis. The Airport Police Officer who issued the Ramp Citation shall be present and the Person charged with a violation shall be afforded a reasonable opportunity to present the substance and basis of their appeal.

After consideration of all the facts and circumstances, the Hearing Officer shall furnish interested parties with a written copy of the facts and basis of the Hearing Officer's decision. If it is determined that a violation did NOT occur, a copy of the decision shall be forwarded to the individual's employer. If the Hearing Officer determines that the Ramp Citation was properly issued, the remainder of the individual's penalty shall immediately be reinstated; provided however, if the Hearing Officer determines that there exists significant mitigating factors such that the penalty imposed under Subsection 01.10 of the Rules and Regulations is not warranted after having reviewed all the facts and circumstances, the Hearing Officer may impose a less severe penalty than what is prescribed by Subsection 01.10. The imposition of a lesser penalty does not affect the level or number of the offense and does not affect or limit the imposition of future penalties should future violations occur within the prescribed time period.