

## ***ARTICLE VI. ENFORCEMENT***

### **Section 6.01. Violations.**

It shall be unlawful for any Person to cause, facilitate, aid or abet any violation of any provision of this Code, or to fail to perform any act or duty required thereby.

### **Section 6.02. Joint and Several Liability**

When two or more Persons have liability to the City/County or are responsible for a violation, their responsibility shall be joint and several.

### **Section 6.03. Enforcement of judgments.**

Any judgment for abatement, restitution or civil sanctions taken pursuant to this article may be enforced as any other civil judgment.

### **Section 6.04. Violations not Exclusive.**

Violations of this Code are in addition to any other violation of law and in no way limit the penalties, actions or abatement procedures that may be taken by the City and/or County under other applicable law.

### **Section 6.05. Each day separate Violation.**

Each day any violation of any provision of this Code or the failure to perform any act or duty required by this Code continues shall constitute a separate offense.

### **Section 6.06. Penalty.**

The Airport Board specifically finds that all rules and regulations adopted herein are adopted to promote the health and safety of Airport users and the public, and to promote safe, orderly, and appropriate development of the Airport property. Therefore, Whenever in this Code an act is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in such Code the doing of any action is required or the failure to do any act is unlawful and no specific penalty is provided therefore, the violation of such provision shall be punished by a maximum fine of \$2,000.00.

### **Section 6.07. Inspections.**

- (a) The Airport Manager is hereby authorized and directed to make inspections in the normal course of job duties; or in response to a complaint that an alleged violation of the provisions of this Code may exist; or when there is a reason to believe that a violation of this Chapter has been or is being committed.
- (b) The Airport Manager may enter onto any property, or into any Building or premises, at all reasonable times to inspect or to perform the duties imposed upon the Airport Manager by this Code, provided that if such property, Building or premises is occupied, the Airport Manager shall present credentials to the occupant and request entry. If such property, building or premises is unoccupied, the Airport Manager shall first make a reasonable effort to locate the owner or other Person having charge or control of the property, Building or premises and request entry. If entry is refused, the Airport Manager has recourse to every remedy provided by law to secure entry.
- (c) It shall be a violation of this Code for any Person to interfere with, prevent, or attempt to interfere with or prevent the Contractor, the Owners, the Airport Board, or the Airport Manager from investigating any alleged violation of this Code, or from correcting or abating a violation of this Code.

### **Section 6.08. False information.**

It shall be a violation of this Code to intentionally or knowingly make a false or fraudulent statement, or knowingly misrepresent a fact, or mislead any authorized individual who is investigating, correcting or abating a violation of this Code.

### **Section 6.09. Service of Notices.**

- (a) Any notice required to be given by the Airport for any purposes under this Code shall be by having the Airport Manager hand-deliver the notice, mail the notice by certified mail, return receipt requested, or by any other reasonable means that will insure that the intended recipient receives actual notice.
- (b) Notice is deemed effective on the date it is hand-delivered or deposited in the United States mail.
- (c) Nothing herein shall preclude the Airport Manager from giving oral or written notice in addition to that required herein. If the Airport Manager does elect to give any additional notice in any instance, the Airport Manager shall not thereby become obligated to give such additional notice thereafter in the same or other situation.

### **Section 6.10. Grounds for Denial of Use.**

- (a) The Airport Board may deny access to, and the use and privileges of, the Airport or any of its facilities to any Person:
  - 1. Who violates this Code or any Airport Rules and Regulations or Airport Minimum Operating Standards promulgated hereunder;
  - 2. Whose action would place the Airport in violation of federal laws or regulations regarding disadvantaged business enterprises; or
  - 3. Who violates any other conditions duly adopted by the Airport Board or any applicable federal statute or regulations hereafter enacted.
- (b) The Person to whom the Aircraft is registered is responsible for the acts of all Persons (including, but not limited to, all agents, employees and pilots) to whom control, operation or any authority to use said Aircraft is granted. The involvement of said Aircraft in any act or omission that violates any of the above-enumerated laws, statutes, Airport Rules and Regulations, Airport Minimum Operating Standards or other conditions may result in the above-enumerated actions.

### **Section 6.11. Notice to Abate.**

- (a) If, after an inspection, the Airport Manager finds one (1) or more violations of this Code, and the Airport Manager elects to use the abatement process, the Airport Manager shall, in writing, notify the Person making the violation.
- (b) The notice to abate shall set forth the following information:
  - 1. The Person has fifteen (15) calendar days from the mailing of the notice to abate to correct the violation.
  - 2. A statement of the violation in sufficient detail to allow a reasonable Person to identify and correct the violation(s).
  - 3. Re-inspection date and time.
  - 4. A warning stating that if the violations are not corrected within the fifteen (15) calendar day period, the Airport Manager can abate the problem and assess the Person the cost of such abatement.

5. Appeal procedures.
6. The fifteen (15)-calendar day notice set forth in this section shall not apply to emergency abatements pursuant to Section 6.19.
  - (c) If any Person receiving a notice to abate fails to comply with such notice or order, the Airport Manager may take actions necessary to correct or abate the conditions.
  - (d) The Airport Manager shall prepare and deliver a verified statement as to the actual cost of correcting or abating the violation to the Person ordered to abate the condition. Such actual cost may include the cost of necessary inspections and other incidental costs associated with such inspections, not to exceed an additional five (5) percent of the actual costs of the abatement. The statement shall be hand-delivered or mailed, certified mail, return-receipt requested, to the Person the notice to abate or order was served upon. That statement shall further notify the recipient that he has fifteen (15) calendar days from the date of delivery or mailing of the statement to pay in full, and the statement shall further set out the requirements necessary for appeal.

**Section 6.12. Procedure for Denial of Use or Access.**

- (a) Upon probable cause to believe that a Person has committed acts constituting grounds for denial of access, the Airport Board shall either follow the procedures for abatement set out elsewhere herein, or shall provide the affected party with notice of an order to show cause why access should not be denied. The notice shall give at least seventy-two (72) hours notice of the hearing date and list the grounds for the possible denial of access.
- (b) Persons who have been denied use of or access to the Airport and its facilities shall be provided a hearing before the Airport Board as soon as reasonably practical but in no event shall said hearing be delayed more than ninety-six (96) hours after the effective time of the denial of access, except upon mutual agreement between the Airport Board and the affected party.
- (c) All meetings of the Airport Board convened for the purpose of considering an appeal of a denial of Airport access shall be posted with an appropriate agenda under the same rules and conditions as regular and special meetings of the Airport Board for routine business.
- (d) Notwithstanding the provisions of Section 6.10 or the preceding provisions of this section, the Airport Manager may summarily deny Airport access, to any Person as to whom probable cause exists to believe that he has committed an act or omission relating to dangerous refueling, dangerous Aircraft or Vehicle

operation, lack of insurance, theft of or damage to property, assault and battery or such other act or omission that constitute a danger to the health, safety, or welfare of any individual or the public in general. A person who has been summarily denied Airport access shall have the right to a hearing before the Airport Board upon request, under the timelines set out herein.

- (e) This Section contains all the appellate relief to which an aggrieved party is entitled through this Code. Utilization of these remedies shall not preclude an aggrieved party from seeking any other remedies provided by law.

**Section 6.13. Option to Proceed Civilly or Criminally.**

No remedy provided for herein is exclusive, unless specifically identified as such, and enforcement may proceed both by criminal and civil process unless otherwise prohibited.

**Section 6.14. Restitution.**

In addition to any civil sanction or criminal penalty provided for in this article, any Person violating this Code shall be liable for all costs which may be associated with the correction or abatement of any violation of this chapter. The court shall require restitution in addition to any civil sanction or criminal penalty.

**Section 6.15. Order Suspending Airport Access.**

In addition to any other sanction or penalty provided for in this article, for good cause shown, a court may issue an order suspending the right of any Person violating this Code to use the Airport or any of its facilities for a period not to exceed three (3) years.

**Section 6.16. License Revocation: Grounds.**

The Airport Board may revoke any license or permit over which the Board has jurisdiction for the following reasons:

- (a) violation of the terms of such license or permit, of any provision of this Code, or any Airport Rules and Regulations or Airport Minimum Operating Standards promulgated pursuant to this Code.
- (b) falsification of any application or other information provided to the Airport Manager pursuant to this Code.
- (c) any action which would place the Airport in violation of federal laws or regulations regarding disadvantaged business enterprises.

- (d) violation of any other Airport Rules and Regulations, Airport Minimum Operating Standards or other requirements duly adopted by the Airport Board, or any applicable federal statute or regulation hereafter enacted.

**Section 6.17. License Revocation: Procedure.**

Upon probable cause to believe that the licensee or permittee has committed acts constituting grounds for revocation as provided in this Code, the Airport Manager shall provide the affected party with notice of an order to show cause why the license or permit should not be revoked.

**Section 6.18. Abatement in Lieu of or in Addition to Other Actions.**

In addition to or in lieu of denial of access or filing a civil or criminal action, the Airport Manager may file notice to abate any violation of this Code. Such abatement action shall proceed independently of any denial of access or civil or criminal violation filed pursuant to this Code.

**Section 6.19. Emergency Abatement.**

If a situation presents an imminent danger or threat to the health, safety or welfare of any Person or the public in general, the Airport Manager may issue a notice to abate directing the responsible Person to take such action as is appropriate to correct or abate the emergency. In addition, the Airport Manager may act immediately to correct or abate the emergency. In the event the Airport Manager is unable to contact the responsible Person, such inability in no way affects the Airport Manager's right to correct or abate the emergency. The responsible Person shall be granted a review before the Airport Board on the matter upon that Person's request, as soon as practicable, but such appeal shall in no case stay the abatement or correction of such emergency.

**Section 6.20. Abatement Variances and Time Extensions.**

- (a) Any Person may request a variance or time extension of a notice to abate or assessment. Such request shall be made to the Airport Board.
- (b) The same time limit for filing, requirement for written notice, and hearing procedures as provided for other appeals herein apply to this section.
- (c) If a variance or time extension is granted by the Airport Board, the condition allowing the variance or time extension and the extent of the variance or time extension shall be explicitly stated.
- (d) The Airport Board may grant one (1) extension of the time limit. Such extension shall not exceed one hundred eighty (180) calendar days. The

extension period granted by the Airport Board begins on the day the Airport Board issues its written decision. The Airport Board may grant such an extension only where it is shown that:

1. It would create a hardship to comply with the abatement order, and;
2. The requesting party presents a plan that is approved by the Airport Board, by which said party will comply with the abatement order within one-hundred eighty (180) calendar days.