

## ***ARTICLE VII. DEFINITIONS***

The following words and phrases, whenever used in the Airport Code, shall be construed as defined in this Article unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All words and phrases shall be considered to be either singular or plural as required by the context in which they are used.

Words and phrases incorporated in these definitions are capitalized whenever they are used as defined in the Airport Code,

### Abandoned Property

Means property not covered by any storage, parking, or tie-down arrangement that is left on Airport property without consent of the Airport Manager for forty-eight (48) hours without the owner claiming it.

### Accident

Means a collision or other contact between any part of an Aircraft or a vehicle, Person, stationary object or other thing which results in property damage, Personal injury, or death; or an entry into or emerging from a moving Aircraft or vehicle by a Person which results in Personal injury or death to such Person, or some other Person, or which results in property damage.

### Aeronautical Activity

Means any activity or service conducted on Airport Property, which involves, makes possible, or is required for the operation of Aircraft, or contributes to, or is required for, the safety of such operations.

Aeronautical Activities include, but are not limited to:

- General and corporate aviation
- Air taxi and charter operation
- Aerial photography
- Pilot training
- Aircraft rental
- Sightseeing
- Aerial surveying
- Crop dusting

- Air carrier operations (both airline passenger and air cargo)
- Aircraft sales and service
- Aviation fuel and oil sales (whether or not conducted in conjunction with other included activities)
- Repair and maintenance of aircraft
- Sale of aircraft parts
- Aviation fire suppression
- Aviation advertising
- Aircraft management
- Any other activities that, because of their direct relationship to the operation of aircraft can appropriately be regarded as an aeronautical activity.

The following are not aeronautical activities:

- Ground transportation (taxis, car rentals, limousines)
- Restaurants
- In-flight food catering
- Barber shops
- Auto parking lots

#### Air Traffic

Means Aircraft in operation anywhere in the air or, when under their own power, on the ground.

#### Aircraft

Means any device intended to fly in the air.

#### Aircraft Charter Services Operator

Means a Person engaged in the business of providing air transportation of Persons or property to the general public for hire, either on a charter basis, or as defined by the FAA under Part 135. Aircraft charter services may include the performance of Aircraft Management Services, as long as all requirements of such services are met.

#### Aircraft Fuel

Means all flammable substances expressly manufactured and blended for the purpose of operating an Aircraft engine.

#### Aircraft Leasing or Rental Services Operator

Means a Person engaged in the leasing or rental of Aircraft to the public.

#### Aircraft Management Services Operator

Means a Person performing one or more of the following services in the management of another Person's Aircraft: pilot staffing, records management, and other Aircraft-related services, except those services detailed in the Airport Minimum Operating Standards.

Aircraft management also encompasses the exercise of the privilege of FAR Part 91 on behalf of the Owner. Aircraft Management does not include the control of or operation of Aircraft under FAR Part 135.

Aircraft Operation

Means an Aircraft arrival at, relocation under its own power within, or departure from the Airport.

Aircraft Maintenance and Repair Services Operator

Means a Person providing one or more of the following services: airframe, engine or accessory overhaul; repair services on Aircraft; and sales of Aircraft parts and accessories.

Aircraft Maintenance Permit

Means, should such a permitting process be initiated at the Airport, administrative approval issued by the Airport Manager to a Person to perform Major Aircraft Alterations and Repair on an Aircraft located in a Parking or Storage Area. A form for requesting such approval is appended to the Airport Rules and Regulations.

Aircraft Parking and Storage Areas

Means those Hangar and Apron locations of the Airport designated by the Airport Manager for the parking and storage of Aircraft, and such areas of the Airport designated for Aircraft maintenance, engine run-up, and self-fueling. Aircraft Parking and Storage areas may be designated by the Airport Manager as either long-term or Transient.

Aircraft Sales Services Operator

Means a Person engaged in the sale or brokerage of new and/or used Aircraft.

Aircraft Storage Agreement

Means, should such a permitting process be initiated at the Airport, administrative approval issued by the Airport Manager to a Person to park or store an Aircraft at the Airport. A form for requesting such approval is appended to the Airport Rules and Regulations.

Airport

Means all of the City/County-owned or leased real or Personal property comprising Kerrville/Kerr County Airport, also known as Kerrville Muni/Louis Schreiner Field, as now exists or as may hereafter be expanded and developed.

Airport Businesses Permit

Means, administrative approval issued, where applicable, by the Airport Manager to a Person to conduct Commercial activity only in facilities at the Airport wherein such services are authorized. A form for requesting such approval is appended to this Code.

Airport Board

Means the seven-member Joint Airport Board as constituted under the Interlocal Agreement For Joint Management of Kerrville/Kerr County Airport executed by Kerr County and the City of Kerrville on August 10, 2004.

Airport Code

Means Joint Airport Board Resolution No. 024-2005 - adopted by the Kerrville/Kerr County Joint Airport Board on 03/01/05, and further approved by Joint Resolution by the Kerrville City Council on 03/22/05, and the Kerr County Commissioners Court on 03/28/05.

Airport Manager

Means manager of the Airport, or the manager's designee. The Airport Manager shall be an employee of the Contractor.

Airport Rates and Charges

Means a schedule of fees approved by the Airport Board payable by users and Operators at the Airport.

Airport Tenant

Means a Person who leases or uses property at the Airport solely for the purpose of storing Based Aircraft, and who is not engaged in any Commercial Activity.

Airport Traffic Control Tower (ATCT)

Means a control tower should one be located at the Airport.

Airside

Means the area of the Airport that is either contained within the Airport perimeter fence, or which requires access through a building located on or adjacent to Airport property, or which requires access through a controlled Airport access point.

Air Traffic Pattern

Means the traffic flow that is prescribed for Aircraft landing at, taxiing on, or taking off from the Airport.

AOA

Means Airport Operations Area, which is that area within the fenced area of the Airport in which movement of Aircraft is permitted.

Apron

Means the paved area in front of the Hangars and the FBO.

### Aviation-Related Activities

Means any activity conducted on Airport Property that provides service or support to aircraft passengers or air cargo. Aviation-related activities include but are not limited to:

- Ground transportation
- Restaurants
- Auto parking lots
- Concessions
- Any other related service or support activities that can appropriately be called aviation related.

### Aviation Use of Real Property (Aeronautical Property)

Means all property comprising the land, airspace, improvements and facilities used or intended to be used for the operational purpose related to, in support of, or complementary to the flight of aircraft to or from the landing area. It is not confined only to land areas or improvements eligible for development with Federal AIP grants or TxDOT Aviation Transportation grants or to property acquired from Federal sources. In addition to the areas occupied by the runways, taxiways, and parking aprons, Aeronautical Property includes any other areas used or intended to be used for supporting services and facilities related to the operation of aircraft. It also includes property normally required by those activities, which are complementary to flight activity or Aviation-Related such as conveniences concessions serving the public including, but not limited to shelter, ground transportation, food and personal services.

### Based Aircraft

Means an Aircraft which the Owner physically locates and domiciles at the Airport intending that it remain for an undetermined period, and which, whenever it is absent from the Airport, the Owner intends to return it to the Airport.

### Based Location

Means the location on the Airport which is listed as an Aircraft's Hangar, Patio-Hangar or Tie Down location as registered with the Airport Manager.

### Building

Means the main portion of a structure, all projections or extensions there from, any changes or additions thereto, and shall include garages, outside platforms, docks, carports, canopies, eaves and porches.

### Charter Brokerage Services Operator

Means a Person brokering another Person's Aircraft for use in charter operation or filling seats in an Aircraft for purposes of charter operation. Charter Brokerage Service does not include the control or operation of Aircraft under FAR Part 135.

### City

Means the City of Kerrville, Texas.

City/County

Means the City of Kerrville, Texas and/or the County of Kerr, Texas.

Commercial Aeronautical Activity and/or Commercial Activity

Means an entity that leases land, structural property or space within a building that provides commercial aeronautical products and services to the public on Airport Property. Commercial Aeronautical Activity is typically conducted on properties depicted on the Airport Layout Plan (ALP) and Airport Master Plan in designated Airport areas for such aeronautical and aviation-related commercial activities. Areas so designed on the ALP/Master Plan or “Aviation and non-aviation industrial development” can, at the discretion of the Airport Board, be leased to any commercial activity so long as it conforms to compatible land use.

Commercial Operator

Means a Person engaged in Commercial Aeronautical Activity and/or Commercial Activity, which maintains a facility at the Airport for the purposes of conducting aeronautical, or aviation-related Business or services. An activity is considered Commercial Activity regardless of whether the business is non-profit, charitable, or tax exempt.

Compatible Land Use

Means the use of land (e.g., commercial, industrial, agricultural) that is normally compatible with aircraft and airport operations.

Contractor

Means the Person who has contracted with the Airport Board to provide specified services to the Airport.

County

Means the County of Kerr, Texas.

Driver/Vehicle Permit

Means, should a permitting process be initiated at the Airport, administrative approval issued by the Airport Manager to a Person to access, drive upon and park a vehicle at the Airport. A form for requesting such approval is appended to the Airport Rules and Regulations.

Entity

Means: an individual; a corporation, firm, partnership, association, organization, and any other group or Person acting as a unit; the state, county, and/or political subdivision of the state, or other governmental entity. Entity also includes a trustee, receiver, assignee or similar representative.

Exclusive Right/Exclusive Business Operations

Means a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege or right. Exclusive rights are not permitted on this Airport due to FAA Grant Assurances.

FAA

Means the Federal Aviation Administration.

FAR

Means Federal Aviation Regulations.

FBO

Means Fixed Base Operator, an entity which maintains facilities at the Airport for the purpose of engaging in any of the following:

- sale of aviation fuels and lubricants,
- sale of Aircraft and/or Aircraft parts and accessories
- Aircraft maintenance and repair
- Aircraft Storage
- provision of amenities and services to aviation users.

Flight Training Services Operator

Means a Person engaged in instructing pilots in dual and solo flight training, in fixed-wing and/or rotary-wing Aircraft, and providing such related ground school instruction as is necessary to complete training for the categories of pilot's licenses and ratings involved.

Flying Club

A Flying Club is a non-profit entity or organization organized solely for the purpose of providing its members with one or more Aircraft for their Personal use and enjoyment.

Fuel Handling

Means the transportation, delivery, and draining of fuel or fuel waste products, and the fueling of Aircraft.

Fuel Storage Area

Means any portion of the Airport designated temporarily or permanently by the Airport Manager as an area in which fuel may be stored or loaded.

Fueling Operations

Means fueling and other activity connected with the process of fueling Aircraft and ancillary equipment at the Airport.

Fueling Operations Permit

Means, should such a permitting process be initiated at the Airport, administrative approval issued by the Airport Manager to a Person to conduct Fueling Operations at the Airport in facilities or in areas where Fueling Operations are authorized.

Gate Position

Means a specific Aircraft Parking area that has been designated by the Airport Manager for purposes of enplanement and deplanement of passengers or cargo.

General Aviation

Means all phases of aviation other than Aircraft manufacturing, military aviation, and scheduled or non-scheduled commercial operations.

Governing Bodies

Means the City of Kerrville and the County of Kerr, the Owners of the Kerrville/Kerr County Airport and parties to the Interlocal agreement governing the operation of the Airport.

Hangar

Means a fully enclosed structure intended to house Aircraft, either for purposes of storage, or while undergoing maintenance and repair. (See Patio Hangar)

Hangar Leasing Services Operator

Means a Person engaged in the business of leasing, renting or licensing Hangar/Patio Hangar space to Aircraft Owners or Operators solely for Aircraft Storage purposes.

Hazardous Material

Means any hazardous or toxic substance, waste or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, teratogenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, board, board, agency or instrumentality of the United States, the State of Texas or any political subdivision thereof.

Improvements

Means all Buildings, structures and facilities, including pavement, fencing, signs and landscaping, constructed, installed or placed on, under or above any Leased area by or with the concurrence of a lessee.

Incompatible Land Uses

Incompatible land uses around General Aviation airports jeopardize the safety and efficiency of flying activities. Incompatible land uses include residential development, schools, community centers and libraries, hospitals, and buildings used for religious services and tall structures, smoke and electrical signal generators, landfills and other bird/wildlife attractants.

Landside

Means the general public common use areas of the Airport such as public Roadways, parking lots and buildings, which are not contained in the Airside area.

Lease

Means a written agreement between the Airport Board and a Person granting permission to use Airport land and/or Buildings, and/or authorizing the conduct of specified activities.

Local Aircraft Operations

Means Aircraft operating in the local Air Traffic Pattern or within sight of the Fixed Base Operator (FBO) or, should one be operating, in communication with an/or in sight of an Air Traffic Control Tower located at the Airport. Includes Aircraft making simulated instrument approaches or low passes at the Airport.

Major Aircraft Alterations and Repair

Means alterations and repairs as listed in FAR Part 43, Appendix A, Sections (a) and (b), as amended.

Mobile Aircraft Washing Services Operator

Means a Person engaged in the cleaning, detailing or washing of Aircraft either for the general public or for individual businesses, either at the Aircraft Based Location or within a designated Aircraft washing area on the Airport.

Mobile Aircraft Maintenance and Repair Services Operator

Means a Person providing one or more of the following services at the Aircraft Based Location or within a designated Aircraft maintenance areas on the Airport: airframe, engine or accessory overhaul; repair services on Aircraft; and sales of Aircraft parts and accessories.

Movement Area

Means the runway, taxiways and other areas of the Airport which require either a radio announcement prior to entering, or, should one be operating, permission from an Air Traffic Control Tower.

NTSB

Means the National Transportation Safety Board.

Operator of an Aircraft

Means a Person in charge or command of an Aircraft. The Operator may, or may not be the Owner of the Aircraft.

Owner of an Aircraft

Means a Person who holds legal title to an Aircraft, or any Person having exclusive right of possession of an Aircraft pursuant to a written lease for a minimum term of twelve (12) months.

Owners

Means City of Kerrville and County of Kerr, as joint owners of an undivided interest in the Kerrville/Kerr County Airport.

Park or Parking

Means the standing of an Aircraft or Vehicle, whether occupied or not.

Patio-Hangar

Means a roofed structure that is otherwise not fully enclosed which is intended to house Aircraft.

Permission or Permit

Means permission granted by the Airport Manager.

Person

Means: an individual; a corporation, firm, partnership, association, organization, agency, and any other group or entity acting as a unit; the state, county, and/or political subdivision of the state, or other governmental entity. Person also includes a trustee, receiver, assignee or similar representative.

Preventive Aircraft Maintenance

Means maintenance as listed in FAR Part 43, Appendix A, Section [c].

Public Area

Means those areas normally used by the general public, including structures and devices such as Roadways, sidewalks and terminal facilities that are maintained and kept at the Airport for use by the general public.

Ramp

Means a paved area suitable for Aircraft parking.

Repair Facility

Means a facility utilized for the repair of Aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such facility will be operated in accordance with pertinent local, state and FAA regulations.

Roadway

Means any street or road whether improved or unimproved, within the boundaries of the Airport and set aside or designated for use by Vehicles, whether dedicated or not.

Runway

Segments of land at the Airport prepared and marked for use by Aircraft in taking-off and landing.

Smoking

Means burning or carrying any lighted cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

Specialized Aircraft Repair Services Operator

Means a Person engaged in the business of repairing or replacing Aircraft radios, avionics, instruments, propellers, accessories, upholstery, paint and/or other similar Aircraft components. A Specialized Aircraft Repair Services operator sells new or used parts and components necessary for such repairs.

Specialized Commercial Flying Services Operator

Means a Person engaged in air transportation for hire for any of the following purposes: nonstop sightseeing flights that begin and end at the Airport, aerial photography or survey, power-line or pipeline patrol, fire-fighting or fire patrol, airborne mineral exploration, or any other operations specifically excluded from FAR Part 135, as amended.

Sublease

Means a Lease granted by a lessee, with permission from the Airport Board, to another entity for all or part of the leased property.

Taxi-lane

Means the portion of the Airport Apron area, or any other area, used for access between Taxiways and Aircraft Parking and Storage areas.

Taxiway

Means a defined path established for the taxiing of Aircraft from one part of the Airport to another.

Technical Specialist

Means a technical representative of an Aircraft manufacturer, Aircraft engine manufacturer, Aircraft appliance manufacturer, or a non-destructive inspection specialist.

Terminal

Means an Airport Building with both Airside and Landside access for Aircraft Operators and passengers. The Terminal, when completed, will provide restrooms, lounge areas, conference areas and rental office space, and will be the location of the Airport Manager's Office.

Tie-Down

Means an area within an open-air Aircraft Parking or Storage Area where Aircraft may be secured to the ground, either by use of fixed tie-down points, or by use of moveable anchors.

Transient Aircraft

Means an Aircraft that is not a Based Aircraft at the Airport.

Vehicle

Means a device, except Aircraft, in, upon, or by which any Person or property is or may be propelled or moved.

Vehicle Parking Area

Means any portion of the Airport designated and made available temporarily or permanently for the parking of vehicles.