

# DEPARTMENT OF TRANSPORTATION

## AERONAUTICS COMMISSION

### GENERAL RULES

(By authority conferred on the aeronautics commission by sections 51 and 86 of 1945 PA 327, MCL 259.51 and 259.86, and section 11 of 1959 PA 259, MCL 259.491)

### PART 1. GENERAL PROVISIONS

#### **R 259.201 Definitions.**

Rule 201. (1) As used in these rules:

(a) "Airport license" means certificate of approval as authorized in section 86(2) of Act No. 327 of the Public Acts of 1945, as amended, being S259.86(2) of the Michigan Compiled Laws.

(b) "Commission" means the Michigan aeronautics commission.

(c) "Data plate" means the engraved metal plate attached by an aircraft manufacturer which contains the make, model, and serial number of the aircraft for registration.

(d) "Dealer" means a person who negotiates the purchase, sale, or exchange of aircraft or aircraft parts that are legally required to be registered or who represents himself or herself as being engaged in the purchase, sale, brokerage, or exchange of such aircraft or registered parts thereof.

(e) "Dealer's license" means a license issued to dealers or manufacturers pursuant to R 259.223(3) and R 259.371 to R 259.377, which allows a dealer to obtain transferable general registration numbers for aircraft in inventory.

(f) "Established place of business" means the place actually occupied, either continuously or at regular periods, by a dealer or manufacturer, where books and records are kept, and where a substantial share of business is transacted.

(g) "General registration number" means a distinct registration certificate and decal plates for each aircraft owned or controlled by a dealer or manufacturer.

(h) "Purchaser" means a person who buys or leases, or otherwise receives possession of, an aircraft, including a bailee or assignee.

(i) "Registered part" means a part of an aircraft which contains the aircraft data plate.

(j) "Sales tax license" means the written authorization granted by the Michigan department of treasury according to the provisions of Act No. 122 of the Public Acts of 1941, as amended, being S205.1 et seq. of the Michigan Compiled Laws, which govern the sales of tangible personal property in the state.

(2) Terms defined in the following acts have the same meanings when used in these rules:

(a) Act No. 327 of the Public Acts of 1945, as amended, being S259.1 et seq. of the Michigan Compiled Laws.

(b) Act No. 23 of the Public Acts of the Extra Session of 1950, as amended, being S259.431 et seq. of the Michigan Compiled Laws.

(c) Act No. 257 of the Public Acts of 1955, as amended, being S259.671 et seq. of the Michigan Compiled Laws.

(d) Act No. 259 of the Public Acts of 1959, as amended, being S259.481 et seq. of the Michigan Compiled Laws.

History: 1979 AC; 1985 AACCS.

## **PART 2. LICENSES AND REGISTRATION**

### **R 259.221 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

### **R 259.222 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

### **R 259.223 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

### **R 259.224 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

### **R 259.225 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

### **R 259.226 Inspections.**

Rule 226. Personnel of the commission, licensed airport managers and their assistants, the Michigan state police, and other law enforcement agencies authorized to enforce the Michigan aeronautics code, the rules and regulations adopted thereunder, and federal aviation laws, shall be permitted at any time and place to make such inspection as deemed necessary to determine compliance with the Michigan aeronautics code and these rules and regulations.

History: 1979 AC.

## **PART 3. SUSPENSION AND REVOCATION OF LICENSES**

**R 259.231 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

**R 259.232 Rescinded.**

History: 1979 AC; 1998-2000 AACCS.

**PART 4. AIRPORT CLASSIFICATION**

**R 259.241 Scope.**

Rule 241. This part prescribes the minimum airport facilities required for the granting of a license to operate a public use airport as provided by 1945 PA 327, MCL 259.1 et seq. Licensed public use airports shall be included on the Michigan aeronautical charts and other aviation publications made available to the public.

History: 1979 AC; 1985 AACCS; 1998 AACCS; 2001 AACCS; 2003 AACCS.

**R 259.242 Term of license.**

Rule 242. A license issued under the terms of this part shall expire on December 31 annually.

History: 1979 AC; 1985 AACCS; 1998 AACCS; 2001 AACCS; 2003 AACCS.

**R 259.243 Basic utility airports.**

Rule 243. A basic utility airport shall meet all of the following requirements:

- (a) Have an airport manager licensed by the commission.
- (b) Contain a runway that has a 1,200-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways shall have a minimum width of 50 feet with an additional 25 feet minimum width on each side clear of obstructions. Paved runways shall have a minimum width of 40 feet with an additional 30 feet minimum width on each side clear of obstructions.
- (c) Maintain a state primary surface for each runway clear of all obstructions. The state primary surface shall be not be less than 100 feet wide, but not less than the width of the runway.
- (d) Maintain a state approach surface that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of the state approach surface is rectangular with a minimum width of 100 feet and a length of 5,000 feet. The width of the state approach surface shall be at least as wide as the width of the runway. The state approach surface extends for a horizontal distance of 5,000 feet at a slope

of 20 to 1 including 15 feet of clearance over roads, 17 feet of clearance over interstate highways, 23 feet of clearance over railroads, and 25 feet of clearance over property lines. The state approach surface begins at the runway end for unpaved runways. If an object penetrates the state approach surface, the landing threshold shall be displaced to a point where a clear 20 to 1 approach slope can be maintained.

(e) Establish a permanent monument located on the centerline at or beyond each end of the runway.

(f) Maintain a clearly marked automobile parking area.

(g) Maintain an itinerant aircraft parking area.

(h) Maintain a clearly marked entrance from a public road.

(i) Paved runways shall have centerline marking and runway numbering conforming to the published standards of the federal aviation administration.

(j) Unpaved runways marked in accordance with commission standards.

(k) Maintain a windcone.

(l) Airports that have right traffic patterns shall have a segmented circle that has traffic pattern indicators.

(m) Runway lighting, if available for public use, shall conform to federal aviation administration standard color and layout in accordance with FAA Advisory Circular 150/5340-24 dated September 3, 1975, which is adopted by reference in these rules. Printed copies of FAA Advisory Circular 150/5340-24 are available for inspection and distribution to the public free of charge at the office of the Michigan Department of Transportation, Bureau of Aeronautics, 2700 East Airport Service Drive, Lansing, Michigan 48906. Printed copies of FAA Advisory Circular 150/5340-24 are also available, free of charge, from the United States Department of Transportation, 800 Independence Avenue, Washington, D.C. 20591.

History: 1979 AC; 1985 AACS; 1998 AACS; 2001 AACS; 2003 AACS.

### **R 259.244 General utility airports.**

Rule 244. (1) A general utility airport shall meet all of the following requirements:

(a) Have an airport manager licensed by the commission.

(b) Contain a runway that has a 1,800-foot landing length in each direction from a clear approach slope of 20 to 1. Unpaved runways shall have a minimum width of 100 feet. Paved runways shall have a minimum width of 40 feet.

(c) Maintain a state primary surface for each runway clear of all obstructions. The state primary surface shall be not less than 250 feet wide.

(d) Maintain a state approach surface for each runway end that extends outward and upward from the end of the state primary surface for a distance of 5,000 feet. The shape of the approach surface is a trapezoid that has a width of 250 feet at the end of the primary surface and expands uniformly to a width of 1,250 feet. The state approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 to 1, including 15 feet of clearance over roads, 17 feet of clearance over interstate highways, 23 feet of clearance over railroads, and 25 feet of clearance over property lines. The state approach surface begins at the runway end for unpaved runways. If an object penetrates the state

approach surface, the landing threshold shall be displaced to a point where a clear 20 to 1 approach slope can be maintained.

(e) Contain a permanent monument located on the centerline at or beyond each end of the runway.

(f) Maintain a clearly marked automobile parking area.

(g) Maintain a clearly marked entrance from a public road.

(h) Paved runways shall have centerline marking and runway numbering conforming to the published standards of the federal aviation administration.

(i) Unpaved runways marked in accordance with commission standards.

(j) Any crosswind runways shall meet minimum requirements for a basic utility runway.

(k) Maintain a lighted windcone.

(l) Runway lighting shall be available from sunset to sunrise daily. Lighting configuration shall conform to federal aviation administration standard color and layout in accordance with FAA Advisory Circular 150/5340-24, dated September 3, 1975, which is adopted by reference in these rules. Printed copies of FAA Advisory Circular 150/5340-24 are available for inspection and distribution to the public free of charge at the office of the Michigan Department of Transportation, Bureau of Aeronautics, 2700 East Airport Service Drive, Lansing, Michigan 48906. Printed copies of the FAA Advisory Circular 150/5340-23 are also available, free of charge, from the United States Department of Transportation, 800 Independence Avenue, Washington, D.C. 20591.

(m) Airports that have right traffic patterns shall have a segmented circle that has traffic pattern indicators.

(2) A general utility airport shall provide all of the following services:

(a) An administration building or terminal building that has sanitary facilities available to the public.

(b) Adequate means to deter unauthorized or inadvertent access to the aircraft operations area.

(c) A telephone that is available to the public 24 hours daily on the airport and has the telephone's location clearly indicated.

(d) A formally adopted emergency service plan prepared by the airport owner.

(e) Airport rules and regulations that are adopted by the airport owner and available to the public.

(f) Itinerant aircraft parking and tie-downs, including adequate ropes and chains or their equivalent.

History: 1979 AC; 1985 AACS; 1998 AACS; 2001 AACS; 2003 AACS.

### **R 259.245 Air carrier airports.**

Rule 245. The commission shall grant an air carrier airport license if both of the following minimum requirements are met:

(a) The airport employs an airport manager licensed by the commission.

(b) The airport has a valid airport operating certificate, or a limited airport operating certificate, issued by the Federal Aviation Administration.

History: 1979 AC; 1985 AACS; 1998-2000 AACS.

## **R 259.246 Rescinded.**

History: 1979 AC; 1985 AACS; 1998-2000 AACS.

## **R 259.247 Heliports.**

Rule 247. (1) A heliport shall meet all of the following requirements:

- (a) Employ an airport manager licensed by the commission.
  - (b) Contain a length and width of the landing area of at least 1½ times the length of the helicopter using the facility.
  - (c) Contain at least 2 heliport approach surfaces free of obstructions. The heliport approach surface begins at the end of the heliport landing area with the same width as the landing area, and extending outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1. Two of the heliport approach surfaces provided shall be located to provide that their centerlines form an arc of not less than 90 degrees at their intersection. Each heliport approach surface shall provide an area suitable for an emergency landing during takeoff, climb-out, and landing.
  - (d) If a heliport is located on an elevated structure or roof, then the heliport shall comply with local building and fire codes. The landing area shall be designed to support 1.5 times the maximum gross weight of the largest helicopter authorized to use the heliport. When applying for a license, the applicant shall file a certificate signed by a professional engineer registered in this state, certifying structural compliance of the heliport.
  - (e) Contain a windcone or means of identifying wind direction.
  - (f) Ground level heliports shall have operational areas fenced or marked with caution signs to prevent the inadvertent or unauthorized entry of persons or vehicles.
  - (g) Signs indicating a heliport. The signs shall be located on the heliport's perimeter.
  - (h) Maintain a clearly marked automobile parking area.
  - (i) Maintain an itinerant aircraft parking area.
  - (j) Maintain a clearly marked entrance from a public road.
  - (k) A telephone that is available to the public 24 hours daily on the heliport and the telephone's location clearly indicated.
  - (l) An administration building or terminal building with sanitary facilities available to the public.
- (2) A hospital heliport shall meet all of the following requirements:
- (a) Be reserved solely for air ambulance use or other hospital-related functions.
  - (b) Have an airport manager, appointed by the hospital heliport owner or operator, who is licensed by the commission within 90 days after his or her appointment.
  - (c) Have a final approach and takeoff area, the minimum dimensions of which are at least 1½ times the overall length of the largest helicopter authorized to use the hospital heliport.

(d) Have final approach and takeoff areas positioned to provide a minimum safety region of at least 10 feet or 1/3 of the rotor length of the largest helicopter that will land at the site, measured from the edge of the final approach and takeoff area to the obstacle nearest that area.

(e) Have at least 1 approach or takeoff path that is aligned as nearly as possible with the dominant winds, but that may deviate from that alignment to avoid objects or noise-sensitive areas or use airspace above public lands.

(f) Be capable of being secured to prohibit the inadvertent or unauthorized entry of persons or vehicles.

(g) If the heliport is at ground level, the operational heliport areas shall be fenced or marked with caution signs to prohibit the inadvertent or unauthorized entry of persons or vehicles.

(h) Signs indicating a heliport. The signs shall be located on the heliport's perimeter.

(i) The touchdown and liftoff area is a paved hard surface.

(j) Have a lighted wind direction indicator.

(k) Provide suitable lighting at the hospital heliport's perimeter for night operations, and that lighting at a minimum includes lights at each corner of the final approach and takeoff area.

(l) Have identification markings present at the hospital heliport site that conform to Federal Aviation Administration standards for hospital heliports.

(3) A hospital helistop shall meet all of the following requirements:

(a) Have a person responsible for the daily operation of the hospital helistop, appointed by the owner or operator of the hospital helistop who, as determined by that owner or operator, meets the minimum standards established by the commission.

(b) Within 90 days after appointing a responsible person who is in charge of the daily operation of the hospital helistop, the owner or operator of the hospital helistop shall provide the commission in writing with the name of the responsible person who is in charge of the daily operation of the hospital helistop and identify the manner in which the commission may contact that responsible person in the event of an emergency.

(c) The hospital helistop is reserved solely for air ambulance use or other hospital-related functions.

(d) Have at least 1 suitable helicopter approach path that is identified and free of obstacles.

(e) Have a wind direction indicator.

(f) Have appropriate permanent or temporary lighting available for night operations.

(g) Have adequate security to prevent bystanders from approaching a helicopter as it lands or departs.

(4) A pilot of a helicopter landing at a hospital helistop or heliport shall receive prior permission to land at the hospital helistop or heliport from the hospital helistop or a responsible person.

History: 1979 AC; 1985 AACS; 1998-2000 AACS.

## **R 259.248 Unimproved airstrip airports.**

Rule 248. (1) An unimproved airstrip public airport license shall be granted if all of the following minimum services and facilities are provided and maintained:

(a) Have an airport manager licensed by the commission.

(b) At least 1 runway equipped with a 1,200-foot landing length in each direction from a clear approach slope of 20:1 and a 50-foot usable width with an additional 25-foot minimum width on each side which is free of obstructions.

(c) An approach slope at a ratio of 20:1 with a width of not less than 100 feet. The approach slope shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway and a railway clearance of 23 feet. Runway lights shall not be considered obstructions in the runway width required to be free of obstructions.

(d) A permanent monument established on the centerline at or beyond each end of the runway.

(e) A runway that is well defined by mowing, use of markers, or low peripheral farming with clearly marked displaced thresholds.

(f) A wind cone.

(2) A person using an unimproved airstrip shall do so at his or her own risk.

(3) No commercial operations may be based at an unimproved airstrip airport.

History: 2011 AACCS.

## **PART 5. LANDING AREA LICENSES AND APPROVALS**

### **R 259.251 Approval of sites.**

Rule 251. (1) Upon receipt of an application for a new public use airport, the commission shall cause the proposed airport site to be inspected, and shall examine both of the following:

(a) Plans and specifications as to all local conditions affecting the establishment and construction.

(b) Detailed requirements of state, local, and federal laws.

(2) If the proposed or completed facility meets the minimum requirements for issuance of an airport license, and upon consideration of the public benefits and impacts on the surrounding area, then the commission shall license the site.

(3) All applications for a license shall include any proposal describing any planned development of services and facilities intended to serve the flying and non-flying public.

(4) Before annual renewal of any public use license, the commission shall determine that all applicable standards continue to be met by that facility, either through inspection or certification by the facility's owner or manager.

History: 1979 AC; 1998-2000 AACCS.

### **259.252 Location of facilities.**



Rule 252. (1) Any facility, public or private, intended for the use of aircraft shall not be established, without prior commission approval, within 5 miles of a public use facility licensed by the commission.

(2) A facility shall not be licensed or approved which requires aircraft to be airborne under a bridge or power line during the approach to or take-off from a landing area, or requires an aircraft to fly in a manner that may endanger persons or property.

(3) The commission may refuse issuance of license or approval when the location of a proposed landing area is at or near an existing airport or is in proximity to a licensed landfill, a game refuge, fishery, or other refuge designated by the Department of Natural Resources or which would result in a finding of interference to air navigation under the Tall Structure Act (Act 259 of 1959, MCL 259.481 et seq.).

History: 1979 AC; 1998-2000 AACS.

#### **R 259.253 Airport name change.**

Rule 253. The official name of an airport, as designated in a license issued by the commission, shall not be changed unless written request is made by resolution of the governing body of the airport authorizing the name change.

History: 1979 AC; 1998-2000 AACS.

#### **R 259.254 Temporary field permits.**

Rule 254. (1) If the owner of an aircraft uses, or proposes to use, an area or areas of land for temporary commercial operations, then the owner shall apply to the commission for a temporary field permit on forms furnished by the commission.

(2) The commission shall receive the application at least 14 days before the date of requested issuance, accompanied by a \$50.00 fee.

(3) The commission shall inspect the area or areas and if the area meets the minimum requirements of a licensed public use aeronautical facility, then the commission may issue a temporary field permit for a period not to exceed 120 days.

(4) This rule shall not apply to facilities intended for the exclusive use of ultralights, balloons, or seaplanes.

History: 1979 AC; 1998-2000 AACS.

#### **R 259.255 Rescinded.**

History: 1979 AC; 1998-2000 AACS.

## **PART 6. SEAPLANE BASES**

### **R 259.261 Rescinded.**

History: 1979 AC; 1998-2000 AACS.

### **R 259.262 Rescinded.**

History: 1979 AC; 1998-2000 AACS.

## **PART 7. HELIPORTS**

### **R 259.271 Rescinded.**

History: 1979 AC; 1998-2000 AACS.

### **R 259.272 Rescinded.**

History: 1979 AC; 1998-2000 AACS.

## **PART 8. AIRPORT APPROACH STANDARDS**

### **R 259.281 Scope of part 8.**

Rule 281. This part prescribes the airport approach standards which will be used by the commission in conducting aeronautical studies.

History: 1979 AC.

### **R 259.281a Approaches**

Rule 281a. The commission shall review the proposed construction or alteration of objects which are or will be in the vicinity of a licensed airport and which may be hazardous to the flight of aircraft for conformance with the minimum approach requirements. The review shall consider existing and planned use of the facility.

History: 1998-2000 AACS.

### **R 259.282 Objects of interference.**

Rule 282. A man-made structure, natural growth or other object that projects above the landing area or any of the airport referenced imaginary surfaces is considered an object of interference to air-navigation unless an aeronautical study reveals otherwise.

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.283 Airport referenced imaginary surfaces.**

Rule 283. Airport referenced imaginary surfaces are established by reference to the airport as described in Act No. 259 of the Public Acts of 1959, as amended, being S259.481 et seq. of the Michigan Compiled Laws, and consist of all of the following:

- (a) The approach surfaces.
- (b) Inner horizontal surface.
- (c) Conical surface.
- (d) Transitional surfaces.

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.284 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.285 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.286 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.287 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.288 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.289 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.290 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**PART 9. AIRPORT HAZARDS**

**R 259.291 Applications.**

Rule 291. (1) Application shall be made for a commission permit, unless otherwise authorized in these rules, before a structure, natural growth, or other object shall be erected, rebuilt, altered, allowed to grow or maintained within the areas described in R 259.292 and R 259.293, which will result in an object extending more than 500 feet above the highest point of land within a 1 mile radius from the object.

(2) No application shall be required for the emergency repair, alteration, or replacement of public utility structures, other than buildings when the height of such structures will not be increased. Any circumstances calling for immediate action or remedy in the repair, alteration, or replacement of public utility structures shall be deemed an emergency.

History: 1979 AC.

**R 259.292 Zoning ordinances.**

Rule 292. (1) In areas surrounding a public use airport for which zoning ordinances or resolutions have not been adopted by local units of government, no person shall erect, add to the height of, or replace any object within an area lying 500 feet on either side of the centerline of a runway or landing strip for a distance of 2 miles from the nearest boundary of a public use airport, which will result in an object extending higher than the height determined by the ratio of 20:1 between the nearest boundary of the airport and the object.

(2) In areas for which zoning ordinances or resolutions have been adopted by local units of government, no person shall erect, add to the height of, or replace an object except as authorized by the local zoning ordinance. Outside of locally zoned territory and within an area determined by the extensions of the approach surface and the transitional surface on the same slope ratios established under the local zoning ordinance or resolution, but not to exceed a slope ratio of 40:1 for the approach surface, or 7:1 for the transitional surface, to a point where the extended approach and transitional surfaces intersect the 500-foot level described in R 259.291, no object shall be erected, altered by increasing its height, or replaced until a permit therefor has been obtained from the commission.

History: 1979 AC.

**R 259.293 Nonconforming structures and trees.**

Rule 293. These rules do not require removal, lowering, change, or alteration of a structure, vegetation, or other object not conforming to these rules as of their effective date. However, the owner of a nonconforming object shall without expense provide or permit installation, operation, and maintenance of markers and lights deemed necessary by the commission to indicate the presence of airport hazards. Where an airport hazard area exists in connection with a public use airport, the commission shall define and determine the airport hazard area and certify such determination to the political subdivision where the airport is located, and to the airport owner or operator.

History: 1979 AC.

**R 259.294 Abatement of hazards.**

Rule 294. An encroachment upon an airport protection area arising out of the erection, rebuilding, alteration, growth, or maintenance of a structure, vegetation, or other object constitutes a public nuisance and may be abated.

History: 1979 AC.

**R 259.295 Conflicting rules.**

Rule 295. If these rules conflict with other regulations applicable to the same area, whether the conflict is with respect to the height of structures, vegetation, or other objects, or any other matter, those limitations or requirements determined by the commission to be most conducive to airport and air travel safety shall prevail and govern.

History: 1979 AC.

**PART 10. AIRPORT FIELD RULES**

**R 259.301 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.302 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.303 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.304 Supervision of running engines.**

Rule 304. (1) An aircraft engine shall not be started unless a competent operator is in the aircraft attending the engine controls.

(2) Blocks equipped with ropes or other suitable means of removing the blocks shall always be placed in front of the wheels before starting the engine, unless the aircraft is equipped with adequate parking brakes and the brakes are effectively set.

(3) An aircraft shall be started and warmed up only in areas designated for such purposes.

History: 1998-2000 AACCS.

**R 259.305 Fueling of aircraft.**

Rule 305. No aircraft shall be fueled in a hangar, or while the engine is running.

History: 1998-2000 AACCS.

**R 259.306 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.307 Towing.**

Rule 307. A pilot shall not tow anything by an aircraft unless authority for the operation has been issued in writing by the airport manager, and appropriate commission and federal waivers have been issued.

History: 1998-2000 AACCS.

**R 259.308 Dropping of objects.**

Rule 308. The pilot of an aircraft shall not permit an object to be dropped from an aircraft in flight except upon written permission of the political subdivision having jurisdiction over the proposed act, and after full compliance is made with all applicable federal, state, and local laws and regulations. This rule does not prohibit aerial application operations such as seeding, spraying or dusting, where authorized by law, or acts performed in emergencies when it is necessary to lighten an aircraft in the interests of safety of the aircraft and its occupants.

History: 1998-2000 AACCS.

**PART 11. AIRPORT MANAGERS AND ASSISTANT AIRPORT MANAGERS**

**R 259.311 Appointment and licensing.**

Rule 311. (1) The owner or operator of a licensed aeronautical facility in the state shall appoint an airport manager. The airport manager may designate an individual to fulfill the duties of the airport manager in his or her absence.

(2) The airport manager shall have, by appropriate resolution of the appointing political subdivision, power and authority to exercise the control over the aeronautical facility for the enforcement of federal, state, and local rules and regulations pertaining to the landing area and its use.

(3) An airport manager or assistant airport manager shall obtain a 70% passing grade on a test based on the Michigan Aeronautics Code and the rules and regulations of the commission. The commission shall furnish the tests.

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.312 Responsibilities and duties.**

Rule 312. An airport manager and assistant manager shall do all of the following as necessary:

(a) Assist appropriate authorities in enforcement of this act and the rules promulgated under this act.

(b) Determine that all licensed aeronautical facility requirements for the class under which the site is licensed are maintained.

(c) Determine and take appropriate action to assure that all locally based commercial activities operating on the licensed aeronautical facility have appropriate licenses and registrations as issued by the appropriate state and federal agencies.

(d) Post local rules, traffic patterns, and noise abatement procedures, if any.

(e) File notice with the proper federal agency indicating any change in the aeronautical facility condition.

(f) Advise the commission of a proposed construction or zoning change adjacent to or near the licensed aeronautical facility that would affect air navigation safety or use.

(g) Advise sponsors of new and proposed construction of federal regulations pertaining to objects affecting navigable airspace.

History: 1979 AACCS; 1998-2000 AACCS.

**PART 12. AVIATION SCHOOLS AND INSTRUCTORS**

**R 259.321 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.322 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.323 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.324 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.325 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**PART 13. FLYING CLUBS**

**R 259.331 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.332 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.333 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**PART 14. AIR TRAFFIC RULES**

**R 259.341 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.342 Rescinded.**

History: 1979 AACS; 1998-2000 AACS.

**R 259.343 Rescinded.**



History: 1979 AACS; 1998-2000 AACS.

**R 259.344 Aircraft lights.**

Rule 344. (1) An aircraft in flight shall display position lights between the hours of official sunset and sunrise.

(2) An aircraft parked, moored, or otherwise stationed within any area of an airport used, or available, for night flight operations shall be clearly illuminated, unless the parking area is otherwise marked with lights clearly defining the boundaries of the area.

(3) An aircraft parked, moored, or otherwise stationed on water shall display a white anchor light, or position light.

History: 1979 AACS; 1998-2000 AACS.

## **PART 15. INTRASTATE COMMERCIAL OPERATIONS**

**R 259.351 Intrastate air commerce; compliance with federal regulations required; advance ticket sales surety bond.**

Rule 351. (1) An operator engaging in intrastate air commerce, which is the carriage of persons or property in common carriage operations solely between points entirely within the state of Michigan, shall comply with all applicable federal regulations.

(2) Before commencing any operations, an owner shall furnish, to the Michigan aeronautics commission, satisfactory proof of a surety bond in the amount of \$50,000.00 to cover any advance ticket sales.

History: 1979 AC. 1996 AACS, 1998-2000 AACS.

**R 259.352 Rescinded.**

History: 1979 AC; 1996 AACS; 1998-2000 AACS.

**R 259.353 Rescinded.**

History: 1979 AC; 1996 AACS; 1998-2000 AACS.

## **PART 16. FINANCIAL RESPONSIBILITY**

**R 259.361 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.362 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**R 259.363 Rescinded.**

History: 1979 AACCS; 1998-2000 AACCS.

**PART 17. DEALERS AND MANUFACTURERS**

**R 259.371 Rescinded.**

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.372 Place of business; requirements.**

Rule 372. (1) An applicant for an aircraft dealer's or manufacturer's license shall occupy a place of business with facilities appropriate to the conduct of business matters and the preparation and preservation of business records, including a telephone.

(2) A licensee shall notify the commission of any change in location of his or her place of business.

(3) The facilities of a licensee shall meet pertinent requirements of other state laws, including ordinances of political subdivisions having jurisdiction.

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.373 Sales tax license required.**

Rule 373. (1) An applicant for an aircraft dealer's or manufacturer's license shall possess a Michigan sales tax license at all times. The licensee shall conform to all applicable provisions of Act No. 122 of the Public Acts of 1941, as amended, being S205.1 et seq. of the Michigan Compiled Laws.

(2) An applicant or licensee shall provide the commission with the sales tax license number assigned by the state and any other pertinent information which would allow the commission to determine lawful use of the license.

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.374 Rescinded.**

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.375 Rescinded.**

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.376 Rescinded.**

History: 1985 AACCS; 1998-2000 AACCS.

**R 259.377 Transfer of possession or control of aircraft; application for registration.**

Rule 377. (1) A dealer or manufacturer shall apply to the commission for aircraft registration before transferring possession or control of an aircraft to a purchaser.

(2) A purchaser shall sign the application for registration and any other necessary papers which enable the dealer or manufacturer to apply for the registration of the aircraft.

(3) An application shall be accompanied by the required fee as provided in R 259.223(2).

(4) An application for registration required pursuant to this rule shall be submitted to the commission not later than 15 days after the transfer of possession or control of an aircraft to a purchaser.

History: 1985 AACCS.

**PART 18. HEARINGS BY THE COMMISSION**

**R 259.381 Location and notice.**

Rule 381. Hearings by the commission shall be conducted in accordance with Act No. 197 of the Public Acts of 1952, as amended, being SS24.101 to 24.110 of the Michigan Compiled Laws. Unless otherwise indicated, a hearing shall be held in the offices of the commission, Capital City Airport, Lansing, Michigan. A hearing notice shall be given by registered mail, and shall state the date, time, place, issues involved, and reason for conducting the hearing. The notice shall be mailed at least 20 days prior to the date set for hearing.

History: 1979 AC.

**R 259.382 Adjournments and continuances.**

Rule 382. A hearing shall not be adjourned or continued except upon order of the commission, or its duly authorized hearings representative. A request for adjournment

or continuance shall be in writing, stating concisely the reasons why it is required, and be filed at least 10 days prior to the date set for hearing, or sufficient showing made that reasons beyond the control of the party making such request prevented such filing.

History: 1979 AC.

**R 259.383 Appearances and defaults.**

Rule 383. A party may appear in person or by a duly authorized representative or attorney. If a party fails to appear after proper service of notice, and if no adjournment is granted, the commission may proceed with the hearing and make its decisions in the absence of the party.

History: 1979 AC.

**R 259.384 Pleadings, briefs, and stipulations.**

Rule 384. (1) A party requesting a hearing shall submit to the commission in writing a fair and accurate statement of the reasons therefor, the facts and issues involved, and may file a brief upon the law. Allegations of fact recited in the statement may be accepted by the commission as evidence, unless a written answer is filed denying such facts or unless a party asserts affirmative defenses in his answer.

(2) A proper party may file a written answer to charges or claims made, or may present an oral statement at the time of hearing. Copies of statements, written pleadings and briefs of any party shall be served on the commission, and upon all other proper parties at least 10 days prior to the date set for hearing.

(3) The parties to any proceeding before the commission, by written stipulation filed with the commission, may agree upon any issues of fact involved in the controversy, and the stipulation may be accepted and used as evidence at the hearing.

History: 1979 AC.

**PART 19. GENERAL PROVISIONS AND RESCISSION**

**R 259.391 Waiver of rules.**

Rule 391. The commission may, at its discretion, waive compliance with these rules and regulations in connection with any particular application when, after a hearing, waiver is found to be required by circumstances or conditions and is determined to be in the public interest.

History: 1979 AC.

**R 259.399 Rescission of prior rules.**

Rule 399. Rules 1.0 to 10.0 of the General Rules of the commission as amended, being R 259.101 to R 259.200 of the Michigan Administrative Code, and appearing on pages 349 to 365 of the 1957 Supplement to the Code, and pages 2790 and 2791 of the 1963 Annual Supplement to the Code, and pages 11 and 12 of Supplement No. 50 to the Code, are rescinded.

History: 1979 AC.

## **PART 20. SEAPLANE OPERATIONS**

### **R 259.401 Seaplane Operations**

Rule 401 (1) As used in this rule:

(a) "Waterway" means any waterway which is navigable and available for use under the public trust doctrine. This rule does not authorize the use of seaplanes in a manner or location which would violate the property rights of another person.

(b) "Seaplane" means an aircraft which is capable of landing and taking off on the water.

(2) A waterway may be used for the landing, docking, and takeoff of seaplanes in accordance with this rule. This rule does not authorize the use of seaplanes in a manner or location which would violate the property rights of another person. In the landing, docking, and takeoff of a seaplane the pilot of a seaplane shall comply with all applicable federal

and state laws and rules, and shall comply with all of the following requirements:

(a) Except in an emergency, a seaplane shall not land, dock, or takeoff from a waterway in violation of a local ordinance, unless approval for that purpose has been granted under subrules (3) to (11) of this rule.

(b) In consideration of the many, varied, and changing uses made of waterways, the pilot of a seaplane shall take precautions to ensure that the landing, docking, and takeoff will be done safely and in a manner which does not endanger other persons, watercraft and property.

(c) A seaplane shall not land, dock or takeoff on a waterway in such a manner as would violate applicable laws, ordinances, and rules if done by a motorized watercraft, except that a seaplane is not required to comply with a statewide speed limit for watercraft while landing and taking off, if a higher speed is necessary for safe operation and is not in conflict with any other restrictions applicable to watercraft.

(d) A seaplane shall not land, dock, or takeoff on a waterway which has been disapproved for such seaplane use under subrule (11) or (12) of this rule.

(3) If a local ordinance is in existence on the effective date of this rule or is subsequently enacted and approved under this rule, which restricts the landing, docking, and takeoff of seaplanes on a waterway, then the ordinance is enforceable except to the extent that it is subsequently overridden under sections 51 and 86(2) of the Aeronautics Code in accordance with this rule. A person seeking to have an ordinance overridden shall file an application requesting the override on forms to be provided by the department. If, upon review of the application, the department determines that there is a reasonable basis to consider an override under the criteria of subrule (8) of this

rule, then the department shall act on the application in accordance with subrules (6) to (11) of this rule.

(4) If a municipality approves a local ordinance, after the effective date of this rule, to restrict the landing, docking, and takeoff of seaplanes on a waterway, then the ordinance shall be approved under subrules (7) to (11) of this rule, before the ordinance becomes effective. The municipality shall file an application for approval of the ordinance on forms to be provided by the department.

(5) If there has been a substantial change in the circumstances under which the prior decision was made, then a person may file an application on forms to be provided by the department requesting that a decision to grant or deny an application be reconsidered and reversed or modified. If the department concurs that there has been a substantial change in circumstances, then the department shall act on the application in accordance with subrules (6) to (11) of this rule.

(6) If the department proceeds on an application under subrule (3) or (5) of this rule, then the department shall publish notice of the application in a newspaper of general circulation in the area in which the local ordinance would be overridden or approved and shall give notice to each county, city, township, or village whose boundaries include any portion of the land adjacent to the waterway. There shall be not less than 30 days for the submission of preliminary comments by any interested person regarding the suitability of the waterway for seaplane use. If the applicant proposes to allow seaplane use on a portion of a stream or river, then the department shall give notice to each county, city, township or village whose boundaries are adjacent to the stream or river and are within 3000 feet of the portion proposed for seaplane use.

(7) After reviewing the application submitted under subrule (3), (4) or (5) of this rule, and comments submitted under subrule (6) of this rule, the department shall inspect the waterway at such times and manner as may be appropriate to assess the suitability of the waterway for seaplane use.

(8) In determining if a waterway is suitable for seaplane use, the department and the Aeronautics Commission shall consider all of the following:

- (a) The needs and purposes served by the local ordinance.
- (b) The safety and general suitability of the waterway for seaplane use.
- (c) The impact of seaplane use on the use and enjoyment of the waterway and adjacent properties by other persons.
- (d) The availability of suitable alternative waterways for seaplane use.
- (e) The public interest in fostering aviation and allowing the use of navigable waterways for aviation and other purposes.
- (f) Whether competing interests may be balanced by imposing limitations or conditions on use of the waterway by seaplanes.
- (g) Any other factor which reasonably would be affected by a decision to allow seaplane use notwithstanding the local ordinance. In no event shall the landing, docking, or takeoff of seaplanes be approved if the landing, docking, or takeoff would pose unreasonable risks to public health, safety, or property.

(9) After reviewing the comments, and conducting an inspection of the waterway and considering the criteria in subrule (8) of this rule, the department shall make a proposed recommendation to approve or disapprove an ordinance which restricts the use

of the waterway by seaplanes with any limitations or conditions as may be considered appropriate. A copy of the proposed recommendation shall be provided to the applicant, each county, city, township, or village entitled to notice under subrule (6) of this rule, and to any person who submitted comments and provided his or her name and address. Within 21 days after the proposed recommendation is sent, a recipient of the proposed recommendation may request that a public hearing be conducted before the application is granted or denied.

(10)After receipt of a request for a public hearing under subrule (9) of this rule, the department shall schedule a hearing at a time and location reasonably convenient to local officials, property owners, users of the waterway and other interested persons. The department shall publish notice of the hearing in a newspaper of general circulation in the area in which the local ordinance would be overridden or approved. Interested persons shall be afforded an opportunity to present their views at the hearing, either orally or in writing. The hearing is not an evidentiary hearing or a contested case proceeding under the Administrative Procedures Act of 1969. The department shall make and transcribe a record of the hearing.

(11)The department shall review the application, the comments, the results of its inspection, and information obtained at the public hearing. The department shall apply the criteria of subrule (8) of this rule, and make a recommendation for consideration by the Aeronautics Commission and the director of the department to grant or deny the application, with such limitations or conditions as may be considered appropriate. The director of the department and at least 6 members of the Aeronautics Commission, 1 of whom may be the director of the department, shall concur in a decision to override a local ordinance under subrule (3) or (5) of this rule. The decision may include conditions and limitations on the use of the waterway by seaplanes. An application under subrule (4) of this rule may be approved by the director of the department or a majority of the Aeronautics Commission. An application under subrule (4) of this rule may be disapproved or approved with specified limitations or conditions only if the director of the department and at least 6 members of the Aeronautics Commission, 1 of whom may be the director of the department, concur in the decision. An application under subrule (4) of this rule shall be considered approved unless the director of the department and at least 6 members of the Aeronautics Commission, 1 of whom may be the director of the department, concur in a decision to disapprove the application or to approve it only with specified limitations or conditions, within 270 days after it was filed. The decision shall constitute the final administrative decision on the application.

(12)If at any time the department or the Aeronautics Commission determines that use of any waterway by seaplanes poses an unreasonable risk to public health, safety, or property, the department or commission may withdraw approval or limit use of the waterway or make the use of the waterway subject to conditions, after following the applicable procedures and criteria in subrules (6) to (11) of this rule. If considered necessary to protect public health, safety, or property, the department or the Aeronautics Commission may issue an interim order restricting the use of a waterway by seaplanes pending completion of the procedures in subrules (6) to (11) of this rule.

(13)The department shall maintain an open public record of all decisions or restrictions on the use of waterways by seaplanes under subrule (11) of this rule.

(14)A seaplane base shall also be approved under section 86a(1) of the Aeronautics Code.

History: 1998-2000 AACs.