



**PHOENIX SKY HARBOR
INTERNATIONAL AIRPORT**

America's Friendliest Airport™

City of Phoenix Aviation Department Rules & Regulations

Number: R&R 03-07

Authority: This Rule and Regulation is promulgated pursuant to City Code Chapter IV; Article 1, 4-2.

**Rule and
Regulation: Notice of Violation**

1. Definition:

A **Notice of Violation (NOV)** is a form issued by Aviation Department personnel for violations of any rules, regulations and laws governing the Airport, or violations of any aircraft storage permit, lease or agreement with the Aviation Department. This rule and regulations does not apply to ground transportation providers or ground transportation agreements.

2. Notices of Violation:

The Aviation Department will conduct inspections and enforce violations of Rules and Regulations, Minimum Standards, aircraft storage permits, and other permits issued by the City of Phoenix regarding activities at the Airport. All permittees, badge holders and persons with Access Cards will be subject to a Notice of Violation (NOV) when reasonable grounds exist to believe that Rules and Regulations, Minimum Standards or a permit have been violated, either by commission or omission.

NOVs will be monitored and issued by Aviation Department personnel. A copy of the NOV will be given to the permittee, badge holder, Access Card holder, tenant, Affiliate, or the individual observed committing the violation(s). A copy of the NOV may be given to the permittee's immediate supervisor in the event the individual cannot be located. Aviation Department personnel may advise the permittee, badge holder, Access Card holder, tenant, Affiliate, or individual of the NOV by fax, letter, or phone call in addition to providing a copy of the NOV.

The NOV may serve as a notice only or may include a penalty ranging from suspension to revocation of the permittee's airport-issued badge, Access Card, Aircraft Storage Permit, or other permits. Suspension is the

fixed term removal of badge privileges, whereas revocation is the permanent removal of badge privileges. Any violation may impact all of a permittee's permits and suspension or revocation of one (1) permit may result in a suspension or revocation of the permittee's other permits at the Airport, including suspension or revocation of an Access Card and/or computer deactivation of any access privileges. The NOV requires the permittee, individual committing the violation, Access Card holder, badge holder and his/her supervisor, to contact the Aviation Department via the telephone number listed on the NOV within five (5) business days of receipt of the NOV to arrange an administrative hearing to discuss the NOV. If the Airport Manager, Aviation Superintendent, or his/her designee is not contacted within five (5) business days, the permit, badge or Access Card may be suspended until the meeting is held.

If the NOV is issued for an Airport Safety or Security violation, remedial training on the subject of the violation shall be required.

NOV's will be classified into four categories, as outlined below for Phoenix Sky Harbor International Airport (PHX).

PHX Class I violations include, but are not limited to: not displaying badge above the waist on the outermost garment; using an expired badge; failing to challenge individuals not displaying a badge; failure to report a challenge where badge was not produced; failure to report security violations or suspicious behavior; parking for an extended period at the loading dock; failure to cooperate during a badge challenge; using a lost or stolen badge; and failure to wait for authorized personnel when alarm sounds at a security door.

PHX Class II violations include, but are not limited to: altering the appearance of a badge; leaving a door or gate open that allows access to the airport operations area; piggybacking; tailgating; failure to produce badge when challenged; failure to report lost or stolen badge; not continuously monitoring escorted individuals; not transferring escorting duties to an escort-authorized badge holder; not controlling or monitoring escorted vehicle by being directly in front of the vehicle; smoking in an unauthorized area; improper parking; fuel spills; uncollected trash; causing disruption at the checkpoint; speeding; escorting an individual with an expired or suspended badge; having two or more lost or stolen badges; Movement Area Violation; not securing an unattended vehicle; and not using a marked roadway.

PHX Class III violations include, but are not limited to: borrowing or lending a badge; bypassing the screening checkpoint when traveling on a commercial flight; escorting someone in a manner which bypasses a screening checkpoint when the person escorted is traveling on a commercial flight; failure to report an accident; failure to cooperate with Police and/or Aviation Department personnel during inspections; or other

security-related procedures; failure to yield to aircraft; authorized signer violations; circumventing security equipment or facilities or deliberately compromising security; and jeopardizing public safety.

PHX Class IV violations include, but are not limited to: bringing a prohibited item into the restricted area as defined by the TSA that does not meet job functions; breaching the Air National Guard ramp; runway Incursion; and failure to disclose an arrest for a disqualifying offense.

Repetitive offenses are those committed within a rolling twenty-four-month period. For purposes of these classes of violations, penalties will be enforced as outlined below. Other violations not listed above will be classed with similar violations, at the hearing officer's discretion.

PHX	Class I	Class II	Class III	Class IV
First Offense	Training	Training; Suspension of badge access privileges up to 7 days	Training; Suspension of badge access privileges from 7 to 30 days	Training; Suspension of badge access from 30 days to revocation
Second Offense	Training; Suspension of badge access privileges up to 7 days	Training; Suspension of badge access privileges from 7 to 30 days	Training; Suspension of badge access from 30 days to revocation	Revocation of badge
Third Offense	Training; Suspension of badge access privileges from 7 to 30 days	Training; Suspension of badge access from 30 days to revocation	Revocation of badge	Revocation of badge
Fourth Offense	Training; Suspension of badge access from 30 days to revocation	Revocation of badge	Revocation of badge	Revocation of badge

Any further violations more numerous or more serious those listed will result in revocation of the individuals SIDA badge.

Violations of the Rules and Regulations may impact all of a permittee's permits, badges, and Access Cards (airport credentials), Fuel Handlers Cards, and suspension or revocation of one permit may result in suspension or revocation of the permittee's other permits at the Airport.

NOV's will be classified into four categories, as outlined below for General Aviation Airport (GA).

GA Class I violations include, but are not limited to: failure to produce a Fuel Handlers Card when conducting fueling activities; using an expired Fuel Handlers Card; failure to report security violations or suspicious behavior; failure to cooperate during an Access Card challenge; failure to return Access Cards upon deactivation; using a lost or stolen Access Card or Fuel Handlers Card; and storage of any items at a t-shade or open tie down without approval.

GA Class II violations include, but are not limited to: altering the appearance of a Fuel Handlers Card or Access Card; leaving a door or gate open that allows access to the airport operations area; piggybacking; tailgating; failure to produce Access Card or Fuel Handlers Card when challenged; failure to report lost or stolen Access Card or Fuel Handlers Card; accessing the AOA with a deactivated Access Card; failure to have a valid driver's license while operating in the AOA; not continuously monitoring escorted individuals; not transferring escorting duties to an Authorized Escort; not controlling or monitoring escorted vehicle by being directly in front of the vehicle; failure to wait for the gate to completely close behind them; smoking in an unauthorized area; blocking a "Non Smoking" sign in the hangar; improper vehicular or aircraft parking; fuel spills; uncontained trash; speeding; escorting an individual with an expired or suspended Access Card; having two or more lost or stolen Access Cards or Fuel Handlers Cards; conducting maintenance activities in open tie downs and t-shades; conducting limited touch-up painting in the maintenance bays without approval; storage of non-aviation items or vehicles; parking vehicles as to not obstruct aircraft operations; using a private company to conduct maintenance or washing without airport approval; building modifications to the t-hangar without approval; and leaving their aircraft unattended or washing automobiles in the wash racks.

GA Class III violations include, but are not limited to: borrowing or lending an Access Card or Fuel Handlers Card; failure to report an accident; failure to cooperate with Police and/or Aviation Department personnel during hangar inspections; or other security-related procedures; failure to yield to aircraft; sponsor authorized signer violations; circumventing security equipment or facilities or deliberately compromising security; subleasing and aircraft storage space; obstructing the v shaped opening on the top of interior partitions of hangars; using refrigerators, battery chargers, certain electrical appliances, and tools that are not approved in the Hangar within the hazardous area; storing propane canisters; blocking the hangar door "up/down" switches; discharging wash water into the City storm water system; washing of aircraft not in designated wash racks; using the waste disposal drums for commercial purposes for disposal of their waste; disposal of pre-flight fuel samples on the apron or ground; and jeopardizing public safety.

GA Class IV violations include, but are not limited to: Incursion/Deviation; a GAAMA Violation; prolonged storage for damaged/dismantled aircraft in t shades or open tie downs; hazardous operations in the hangar including fuel transfer, hot work, spray painting, paint stripping; storage of items that can produce open flames, flame-producing devices and other sources of ignition in the hangar; flammable or combustible liquids storage at an aircraft storage area exceeding the limits allowed in accordance with the rules and regulations; combustible or flammable liquids, disposal into the storm drains, wastewater sanitary systems, or onto the ground or apron; disposal of any substance in violation of the SWPPP or the Rules and Regulations; disposing batteries, used tires or hazardous liquids in the trash receptacles; and dispensing or removal of fuel in a hangar or within twenty-five feet of a hangar in accordance with NFPA.

Repetitive offenses are those committed within a rolling twenty-four-month period. For purposes of these classes of violations, offenses will be enforced as outlined below. Other violations not listed above, may be classed with similar violations, at the hearing officer's discretion.

GA	Class I	Class II	Class III	Class IV
First Offense	Training and corrective action for permit violation required or revocation.	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges up to 7 days	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 7 to 30 days	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 30 days to revocation
Second Offense	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges up to 7 days	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 7 to 30 days	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 30 days to revocation	Revocation of Access Card, Fuel Handlers Card, Aircraft Storage Permit and/or other permit.
Third Offense	Training and corrective action for	Training and corrective action for	Revocation of Access Card, Fuel Handlers	Revocation of Access Card, Fuel Handlers

	permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 7 to 30 days	permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 30 days to revocation	Card, Aircraft Storage Permit and/or other permit.	Card, Aircraft Storage Permit and/or other permit.
Fourth Offense	Training and corrective action for permit violation required or revocation; Suspension of Access Card, Fuel Handlers Card privileges from 30 days to revocation	Revocation of Access Card, Fuel Handlers Card, Aircraft Storage Permit and/or other permit.	Revocation of Access Card, Fuel Handlers Card, Aircraft Storage Permit and/or other permit.	Revocation of Access Card, Fuel Handlers Card, Aircraft Storage Permit and/or other permit.

Failure to take appropriate corrective action required to be in compliance with the Rules and Regulations may result in a revocation of the permittee's Access Card, Fuel Handlers Card, Aircraft Storage Permit, or other permits. The Aviation Department reserves the right to immediately suspend and Access Card, Fuel Handlers Card, and/or permit privileges for any violation that may pose a threat to the health, welfare, and safety to people, property, or the airport.

The hearing officer may modify offense classifications at his/her discretion.

Violations of the Rules and Regulations may impact all of a permittee's permits, badges, and Access Cards (airport credentials), Fuel Handlers Cards, and suspension or revocation of one permit may result in suspension or revocation of the permittee's other permits at the Airport.

3. Company/Firm

Notices of Violation will be issued to a company or firm when an infraction occurs that is the responsibility of the organization or when a specific violation cannot be attributed to an individual but it is apparent someone in the organization committed the violation. Examples of the infractions include but are not limited to the following: Doors or gates propped open and left unattended; Cargo bays open and unattended; Failing to notify the City when an employee with access privileges is terminated and the security badge, Access Card, or Fuel Handlers Card is not collected; Failing to immediately notify the City when the access privilege of an individual is restricted for

disciplinary reasons; Failing to return Access Cards, Fuel Handlers Cards, security badges or keys; Falsifying employment/background checks (to include all badging application forms); Illegally parked vehicles; Failure to report fuel spills; Having a high percentage of uncontrolled badges; and Failure to report property damage.

In addition, companies and firms receiving repeated Notices of Violation are subject to penalties assessed against the authorized signer, at the discretion of the airport. Before access privileges are withdrawn from a company or firm, the Aviation Director or his/her designee, will schedule a meeting with the firm to discuss the issues. The Aviation Director or his/her designee will base the decision on a number of considerations. Among those considerations are whether or not it is essential for the organization to have access to restricted areas or the airport, the number of violations, the number of employees in the organization, past discussions with the organization and the ability or lack thereof to correct the problem.

4. NOV Administrative Hearing Process

The NOV administrative hearing process provides the individual and his or her supervisor an opportunity to explain the circumstances that led to the issuance of the NOV. The process also provides an opportunity to educate and communicate to the individual regarding Airport Rules and Regulations.

The individual receiving the NOV and their immediate supervisor must both be present at the administrative hearing. If the individual does not appear for the hearing, or the Aviation Department has not been notified in a timely manner (within twenty-four (24) hours of the missed hearing) to reschedule the hearing, the individual's permit, badge, Fuel Handlers Card, or access card will be deactivated. One reschedule will be permitted; however, if a hearing has to be rescheduled more than once, badge access will be suspended until the hearing has been attended.

At least one hearing officer will be appointed by the Aviation Department and will preside over the NOV hearing. Upon completion of the hearing, the hearing officer may assess penalties befitting the NOV, in accordance with the penalty matrix. Penalties may range from simple remedial training to possible suspension and/or revocation of the permit, badge or access card, in accordance with the appropriate table in section two.

5. Appeal of Revocation of a Permit or Access Card:

All appeals are subject to the requirements of Phoenix City Code Chapter 4, Article 1, Section 4-22H.

The decision to suspend or revoke a permit or access card will be expressed to the permittee, cardholder, or his/her immediate supervisor at the NOV hearing. Any party aggrieved by a decision to impose a revocation of a badge, access card, or permit, may appeal the decision in accordance with the following requirements. Suspensions of seven (7) days or less are not subject to appeal.

The permittee or cardholder shall file a Notice of Appeal with the Airport Manager or Aviation Superintendent within five (5) business days of the date of the administrative hearing.

The Notice of Appeal shall set forth the specific objections to the revocation. The objections shall form the basis of the appeal.

The Deputy Aviation Director – Operations shall be the hearing officer or shall designate a hearing officer for all PHX NOVs. The hearing officer shall set a time and place for the hearing no later than fifteen (15) business days after receipt of the Notice of Appeal.

The Airport Manager for Phoenix Deer Valley Airport or Phoenix Goodyear Airport shall be the hearing officer or shall designate a hearing officer for all General Aviation airports' NOVs. The hearing officer shall set a time and place for the hearing no later than fifteen (15) business days after receipt of the Notice of Appeal.

The hearing shall be conducted in an informal manner to determine whether there is a sufficient factual and legal basis to support the revocation.

The hearing officer shall not be bound by the technical rules of evidence in the conduct of such hearings. The decision of the hearing officer shall be based upon substantial and reliable evidence. All parties to the hearing shall have the right to present evidence. The burden of proof shall be at all times upon the party or parties appealing the revocation.

The decision of the hearing officer shall be rendered within fifteen (15) business days after the closing of the record and shall be based upon the evidence presented and it shall:

1. Affirm the revocation;
2. Modify the revocation; or
3. Reverse the revocation.

The decision of the hearing officer is final.

6. Designees:

The Aviation Director designates the Deputy Aviation Director for Operations, who may appoint designees, to act as the hearing officer to enforce this Rule and Regulation. The Aviation Department has authorized the Operations Division, General Aviation Airports, and the Phoenix Police Department to conduct inspections and enforce violations regarding airport safety and security. All violations are subject to citation and/or Notice of Violation.

7. Compliance:

It shall be unlawful and a violation of the Rules and Regulations and/or Minimum Standards to continue to engage in the suspended or revoked activity, or use a suspended or revoked access card, badge, fuel handlers card, or permit, during the period of time a suspension or revocation is in place.

8. Effect of this Rule and Regulation:

This Rule and Regulation is intended to supplement, and not amend, repeal or supersede the provisions of Article IV of Chapter 4 of the Phoenix City Code. Nothing in this Rule and Regulation alters, amends or modifies the supplemental and complementary requirements of the State of Arizona Notice of Claim statutes, A.R.S. §§ 12-821 and 12-821.01, pertaining to claims or demands against the City. If for any reason it is determined that the City Charter and state law conflict, then state law shall control. Moreover, nothing in this Rule and Regulation shall constitute a dispute resolution process, an administrative claims process, or contractual term as used in A.R.S. § 12-821.01(C), sufficient to affect the date on which the cause of action accrues within A.R.S. § 12-821.01(A) and (B).

9. Application:

This program applies to all Permittees, badge holders and persons with access cards and/or fuel handlers cards at the airports, except that, this program does **not** apply to the ground transportation providers who are subject to the ground transportation procedures.

The foregoing Rule and Regulation is hereby adopted and promulgated this 27 day of January, 2009.



Danny Murphy
Aviation Director



Nancy Kesteloot
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