

City of Phoenix Aviation Department Rules & Regulations

Number: R&R 02-07

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

Rule and

Regulation: General Terms and Conditions for Non-Commercial Permits

Purpose: This Rule and Regulation shall be applicable to non-commercial permits issued by the Aviation Department under the Airports Rules and Regulations and/or Minimum Standards. All persons shall comply with these Rules and Regulations, restrictions and conditions at all times.

Application of Rule and

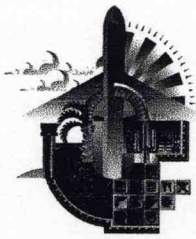
Regulation: Except as may be prohibited by other provisions of these Rules and Regulations and any other applicable law these Rules and Regulations shall be deemed to be a part of each non-commercial permit issued under the Airports Rules and Regulations and/or Minimum Standards unless such provisions are amended or modified by the City of Phoenix Aviation Department. The mere omission of any particular standard from a written permit shall not constitute a waiver or modification of such standard in the absence of clear and convincing evidence that the Aviation Department intended to waive or modify such standard.

Non-Exclusive Rights

Permits are non-exclusive and nothing herein shall prevent the City from accessing or using the Airport or shall prohibit the City from permitting other persons to access or use the Airport. Nothing herein shall be construed to bar the City from further alteration, development, expansion or improvement of the Airport and the City expressly reserves the right to do so.

Indemnification

Permittee shall indemnify, defend, save and hold harmless the City of Phoenix and its officers, officials, agents, and employees (hereinafter referred to as "City") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury



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(including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Permittee or any of its owners, officers, directors, agents, employees or contractors, arising out of or related to Permittee's use of Airport Premises. It is the specific intention of the parties that the City shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the City, be indemnified by Permittee from and against any and all claims. It is agreed that Permittee will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration for the use of Airport Premises, the Permittee agrees to waive all rights of subrogation against the City, its officers, officials, agents and employees for losses arising from the use of Airport Premises.

Accidents, Damages, and/or Injuries

Persons, Permittees, or other operators shall immediately report any on-Airport accident, damages, or injuries. Persons, Permittees, or operators shall be fully responsible for all damages to airport property including environmental damages, whether caused by negligence, abuse, or carelessness on the part of their employees, agents, visitors, contractors or persons with whom they may do business, in addition to any terms that might be contained in any Permit.

Any person, Permittee, or operator causing or liable for, any damage to airport property shall be required to pay to the City of Phoenix on demand the full cost of the damage plus appropriate administrative fees. Any person failing to comply with this section shall be in violation of these Rules and Regulations and shall be refused access to the Airport until the City of Phoenix has been fully reimbursed.

The City of Phoenix assumes no responsibility or liability for loss, injury or damage to persons, property or business on the Airport or airport facilities, by reason of fire, vandalism, wind, flood, earthquake or other acts of God, civil disorder, armed conflict or collision damage, nor does it assume any liability by reason of injury to persons or property while using said facilities.

Compliance with Law

All persons, Permittees, and other operators shall observe and comply with all laws, ordinances, rules, regulations and orders of the United States Government, the State of Arizona, the County of Maricopa, and the

