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CITY OF PHOENIX AVIATION DEPARTMENT

City of Phoenix Aviation Department Rules & Regulations

Authority This Rule and Regulation is promulgated pursuant to City Code, Chapter 4, Article II, Section 4-38.

Rule and Regulation Number: **R&R 03-03**

Rule and Regulation **Aircraft Removal and Indemnification of City**

Aircraft owners and pilots shall be responsible for the expeditious removal of damaged or disabled aircraft and/or debris thereof upon approval of the Aviation Director or his/her designee, unless required or directed by the Federal Aviation Administration and/or the National Transportation Safety Board to delay such action pending an investigation of an accident. In the event of failure by owner or pilot to expeditiously remove such damaged or disabled aircraft and/or debris thereof, the Aviation Director or his/her designee may cause the aircraft and/or debris thereof to be removed and bill the owner or pilot of the aircraft at the time of the accident for all charges incurred in the removal. The City of Phoenix shall not be responsible for any damage to aircraft or debris thereof removed by the owner, the pilot, the City of Phoenix, or other persons.

The owner or pilot of an aircraft involved in an accident that occurs on an airport shall deliver to the Aviation Director or his/her designee a copy of the Federal Aviation Administration accident report as soon after the accident as possible.

Aircraft owner or pilot of the aircraft at the time of the accident shall reimburse the City of Phoenix on presentation of an invoice for all charges incurred for the removal of damaged or disabled aircraft and/or any debris thereof and any related delinquent fees pursuant to City Code Section 4-7, as amended.

Aircraft owner and pilot agree to indemnify, defend, save and hold harmless the City of Phoenix and its officers, officials, agents, and employees (hereinafter referred to as "Indemnatee") from and against any and all claims, actions, liabilities, damages, losses, or

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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 (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the removal of the aircraft and/or debris thereof. The Indemnitee shall, in all instances, be indemnified by owner and pilot from and against any and all Claims due to the removal of the aircraft and/or debris pursuant to a request for removal thereof even though the claim may arise out of the negligence or carelessness on the part of the City of Phoenix, or its agents or employees.

Through this Rule and Regulation, the Aviation Director hereby delegates authority to the following classifications to act on behalf of the Aviation Director to coordinate and direct the removal of damaged or disabled aircraft and/or debris thereof at an airport:

Airport Manager, Aviation Supervisor Airside, Airside Manager, Airside Superintendent, Deputy Aviation Director for Operations, or Deputy Aviation Director for Facilities & Services.

Note that this Rule and Regulation is intended to supplement and not amend, repeal or supersede the provisions of Phoenix City Code Chapter 4, Article II, Section 4-38.

The foregoing Rule and Regulation is hereby adopted and promulgated this 18 day of JANUARY 2008.



Danny W. Murphy
Aviation Director



Nancy Kesteloot
Assistant City Attorney

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