

CHAPTER 55

LICENSING OF AERONAUTICAL ACTIVITIES

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Source and Effective Date

R.1993 d.278, effective May 13, 1993.
See: 25 N.J.R. 1483(a), 25 N.J.R. 2505(a).

Executive Order No. 66(1978) Expiration Date

Chapter 55, Licensing of Aeronautical Activities, expires on May 13, 1998.

Chapter Historical Note

Chapter 55, Licensing of Aeronautical Activities, was filed and become effective prior to September 1, 1969. New text was adopted as R.1977 d.52, effective February 23, 1977. See: 8 N.J.R. 576(a), 9 N.J.R. 141(a). Pursuant to Executive Order No. 66(1978), Chapter 55 was readopted as R.1988 d.315, effective June 14, 1988. See: 20 N.J.R. 967(a), 20 N.J.R. 1731(a). Pursuant to Executive Order No. 66(1978), Chapter 55 was readopted as R.1993 d.278. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:55-1.1 Scope

(a) This chapter:

1. Lists and defines those aeronautical activities (also generally known as fixed base operators or airport service operators) required to be licensed in the State of New Jersey;
2. Outlines the procedures for obtaining license(s);
3. Specifies the requirements which licensees must observe;
4. Specifies the liability for failure to observe the requirements; and
5. Describes the procedure for requesting exemption from these rules.

(b) No person offering or rendering aeronautical services, or acting as a Fixed Base Operator as defined in Title 6 of the New Jersey Statutes, whether or not they are required to be licensed under this chapter, is exempted from the requirement to comply with the legitimate rules, regulations, contractual requirements, or other terms of use or access applicable to any licensed aeronautical facility.

Amended by R.1983 d.476, effective November 7, 1983.
See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

16:55-1.2 Applicability

(a) The licensing provisions of this chapter apply to the following aeronautical activities:

1. Aerial advertising;
2. Aerial application;
3. Sport parachute center.

Amended by R.1983 d.476, effective November 7, 1983.
See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

16:55-1.3 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

“Aeronautical activity” means any of the following services in which any person engages in giving, offering to give, advertising, representing or holding himself out as giving to the public with or without compensation or other reward (unless otherwise indicated):

1. “Aerial advertising”: Airborne display of any type of advertising (banner, electric lights, smoke);
2. “Aerial application”: Application by aircraft of liquid or solid sprays for the purpose of insect, plant, animal or fungus control, fertilization or seeding;
3. “Sport parachute center”: An operation organized by an individual, club or business entity to foster, control, supervise and regulate sport parachuting of person(s) sponsored or trained by said individual, club or business entity.

Amended by R.1983 d.476, effective November 7, 1983.
See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

16:55-1.4 General requirements for aeronautical licensing

(a) All persons engaged in New Jersey in any one or more of the aeronautical activities listed in N.J.A.C. 16:55-1.1, shall:

1. Submit application in a form and manner prescribed by the Director of Aeronautics to the Division of Aeronautics;

2. Maintain a principal business office, in New Jersey, with a mailing address in the name to be shown on the license at which adequate and suitable facilities and equipment are available to properly maintain required files and effectively operate the business;

3. As required, be prepared to provide relevant data and information as requested by the Division of Aeronautics at a public hearing or special hearing in regard to their license and operation of the aeronautical activity;

4. Display license(s) at a conspicuous place at the principal business office readily accessible to aeronautical inspectors and the aviation public. If the principal business office is not located at the facility from which the aeronautical activity is being carried out, licensee will retain a copy of the license in his possession while carrying out the aeronautical activity and make it available for inspection to State inspectors and law enforcement personnel and the aviation public, upon request;

Amended by R.1983 d.476, effective November 7, 1983.
See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

Case Notes

Rule provision giving airport owner uncontrolled discretion to prevent issuance of fixed base operator's license held invalid as an unlawful and uncontrolled delegation of administrative power to a private person (citing former N.J.A.C. 16:55-1.3(c)). New Jersey Dep't of Transportation v. Brzoska, 139 N.J.Super. 510, 354 A.2d 650 (App.Div.1976).

16:55-1.5 Specific requirements for licensing

(a) In addition to complying with the general requirements listed in N.J.A.C. 16:55-1.4, all persons engaged in New Jersey in any one or more of the aeronautical activities listed in N.J.A.C. 16:55-1.1, shall comply with the applicable specific requirements listed below. Where any requirement listed below calls for the maintenance of any data or other information, no particular method of recordkeeping is specified. No change in the system of records customarily kept by the person concerned is required so long as the records supply an adequate basis for examination.

1. Aerial advertising:

i. Own or have arrangements for use of a minimum of one currently Federally certificated and airworthy aircraft equipped for aerial advertising operations;

ii. Provide, when requested, aircraft logbook for inspection containing certified notations of the installation of the particular equipment required for the type of aerial advertising offered. Such equipment and installation shall be FAA approved;

iii. Utilize pilots who are Federally certified as commercial or airline transport pilots and properly rated for the aircraft used;

iv. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

v. Insure that only essential crew members are embarked while aircraft are being utilized for aerial advertising (this restriction does not apply to balloons or rigid airships);

vi. Provide copy of current FAA waiver (if applicable);

vii. Maintain records of all aerial advertising flights made, which shall be retained for 12 months. These records shall contain at least the following information:

- (1) Aircraft "N" number.
- (2) Date of flight;
- (3) Takeoff and landing time;
- (4) Name of pilot;
- (5) Flight coverage area.

viii. For banner towing, submit a sketch, with the application for license, of the proposed banner pickup and drop area(s) superimposed on the airport plan (if applicable). This sketch must include the regular airport traffic pattern and the banner towing aircraft pattern. Written approval of the air facility manager must appear on the face of the sketch. If the banner pickup and drop area(s) are not on an airport, sketch must be submitted showing proposed banner towing aircraft flight patterns superimposed on a local area chart. Written approval of the property owner or lessee and the controlling municipal authority must appear on the face of this sketch;

ix. Insure that each pilot prior to flying banner towing aircraft is completely briefed and familiar with the approved banner pickup and drop area(s) and patterns.

2. Aerial application:

i. Own or have arrangements for use of a minimum of one currently Federally certified and airworthy aircraft equipped for aerial application of sprays, seeds or fertilizer;

ii. Provide aircraft logbook for inspection which contains certificated notations of the particular equipment required for the type of aerial application offered. Such equipment and installation shall be FAA approved;

iii. Utilize pilots who are Federally certified as commercial or airline transport pilots and properly rated for the aircraft used, as required by FAR Part 137;

iv. Provide names, addresses, ratings and certificate numbers of pilots employed in the operation;

v. Insure that only essential crew members are embarked while aircraft are being utilized for aerial application;

vi. As required, provide with application one copy each of FAA waiver, agricultural aircraft operator certificate (FAR, part 137), and New Jersey Department of Environmental Protection certification of pesticide applicators (N.J.A.C. 7:30-3.1);

vii. Maintain record of all aerial application flights which shall be readily available for inspection. File of these logs shall be retained for 12 months. This record shall provide at least the following information:

- (1) Aircraft "N" number;
- (2) Date of flight;
- (3) Name of pilot;
- (4) Location of aerial application by municipality or township;
- (5) Type of material applied.

3. Sport parachute center:

i. Show on the application compliance with all applicable provisions of Chapters N.J.A.C. 16:58 and 16:54.

ii. List names, addresses, ratings and/or classification and certificate number(s) of all certified personnel employed in this operation;

iii. Provide suitable housing that will provide:

- (1) Classroom area;
- (2) Storage room for parachutes and personal gear;
- (3) Necessary aircraft mock ups;
- (4) Parachute repacking area;
- (5) Briefings and final gear check area;

iv. Maintain records of all parachute jumps made, by dates and classification. Such records shall be readily available for inspection and will be kept for a minimum of 12 months.

Amended by R.1983 d.476, effective November 7, 1983.
See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

Case Notes

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16:55-1.6 Liability

(a) Any license issued pursuant to the provisions set forth in this chapter may be modified, suspended or revoked in the interest of public safety, or as a result of established violations of any of the provisions of Title 6 of the New Jersey Statutes Annotated or any or the provisions of this chapter, and may further subject the violator, to the penalty provisions of Title 6, N.J.S.A.

(b) Prior to the suspension or revocation of a license, the licensee shall have the right to request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.1988 d.315, effective July 18, 1988.

See: 20 N.J.R. 967(a), 20 N.J.R. 1731(a).

Added (b).

16:55-1.7 Petitions for exemptions

(a) Any person who believes himself to be adversely affected by any licensing rule of this chapter, and who believes further that exceptional circumstances warrant an exemption from the rule, may petition the Commissioner of Transportation for such exemption.

(b) Such a petition, which must be verified, must be filed in triplicate with the Director of Aeronautics. The Director of Aeronautics will forward the petition for exemption along with his recommendations to the Commission of Transportation within 15 working days of receipt of petition. This time for submission may be further extended by the Commissioner of Transportation for good cause.

(c) The Commissioner of Transportation may grant or deny any such petition, and will insure that a notice is sent to the petitioner informing him of the action taken.