

Appendix O ► Sample Minimum Standards for Commercial Aeronautical Activities

Example 1

LIVINGSTON COUNTY AIRPORT, Michigan, November 1, 1998**INTRODUCTION**

The Livingston County Aeronautical Facilities Board (hereinafter referred to as the "Board"), is charged with the responsibility for the administration of the Livingston County Airport, Howell, Michigan (hereinafter referred to as "Airport"). In order to foster, encourage, and insure the economic health and orderly development of general aviation and its related aeronautical activities at the Airport, and in order to insure adequate commercial aeronautical services and facilities are available to the users of the airport, the following Minimum Standards and requirements for commercial aeronautical tenants (as defined in Section 1.01), (hereinafter referred to as "Operator"), have been adopted:

This document sets forth the Minimum Standards for an entity based upon and engaging in one or more aeronautical activities at the Airport. Any Operator who is based on the Airport will be subject to applicable federal, state and local laws, codes, ordinances, and other regulatory measures, including Airport Standard Operating Procedures. The Board reserves the right to change these Minimum Standards at its discretion. All entities affected by such changes will have an opportunity to comment on proposed changes and will be appraised of dates of implementation of such changes. See Article XI. A written lease agreement, properly executed by Operator and the Board, is a prerequisite to tenancy on the Airport and the commencement of operations. The lease provisions will be compatible with these Minimum Standards and will not change or modify such standards. All leases shall include a number of standard items that are a part of all leases between the Board and any entity based on the Airport and engaged in aeronautical services or activities.

GENERAL POLICY STATEMENT

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available airport facilities and the furnishing of selected aeronautical services; subject to the Minimum Standards as established by the Board. An Operator shall have the right and privilege of engaging in and conducting the activities selected and specified by the written contract contingent upon meeting the established Minimum Standards, the execution of a written lease with the County of Livingston, the payment of the prescribed rentals, fees, and charges, and compliance with all federal, state, county, and airport laws, rules, codes, and regulations. The granting of such right and privilege, however, shall not be construed as affording the Operator any exclusive right of use of the premises and facilities of the Airport, other than those premises which may be leased exclusively to the Operator, and then only to the extent provided in a written agreement. The prospective Operator shall select one or more aeronautical services covered by these Minimum Standards. When more than one activity is proposed, the minimum requirements will vary (dependent upon the nature of individual

services in such combination) but will not necessarily be cumulative in all instances. Because of these variables, the applicable Minimum Standards to combinations of service will be discussed with the prospective Operator at the time of application. The Board reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state, and local laws, ordinances, codes, Minimum Standards, and other regulatory measures pertaining to such use. The Board reserves the further right to designate the specific Airport areas in which aeronautical services may be conducted. Such designation shall give consideration as to the nature and extent of the operation and the lands available for such proposed uses, consistent with the orderly and safe operation of the Airport.

ARTICLE ONE

DEFINITIONS/QUALIFICATIONS/REQUIREMENTS

1.01 Definition of an Aviation Operator

An aviation Operator is defined as an entity engaging in an activity, which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations. The purpose of such activity may be to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Authorized activities by an Operator shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific standards for that activity as set forth herein:

- a) Aircraft sales (new and/or used)
- b) Airframe and power plant repair facilities
- c) Aircraft rentals
- d) Flight training
- e) Line services (aircraft fuels and oil dispersing)
- f) Specialized aircraft repair service - radios, propellers, instruments, and accessories.
- g) Aircraft charter and air taxi
- i) Specialized commercial flying services
- j) Aviation operators subleasing from another aviation operator (See Section 1.04(A)(8)).
- k) Warehouse type facilities using air transportation and located on the airport
- l) Medical related equipment and supplies
- m) Other aviation related activities
- n) Airport Shuttle (Ground Transportation) Operator
- p) Any other activities not specifically provided for in these Minimum Standards, will be subject to negotiation.

1.02 Prequalification Requirements

The prospective Operator shall submit, in written form, to the Airport Manager, at the time of application, the following information, plus such other information as may be reasonably requested by the Board:

A) Intended Scope of Activities. Before being granted an operating privilege on the Airport, the prospective Operator must submit to the Board a detailed description of the intended activity(s), and the means and methods to be employed to accomplish the activity(s). This description shall include:

1. The services to be offered.
2. The amount of land to be leased
3. The building space to be constructed or leased
4. The number of aircraft to be provided
5. The number of persons to be employed
6. The hours of proposed operation
7. The number and types of insurance coverage to be maintained

B) Financial Responsibility. The prospective Operator shall demonstrate the financial capability to initiate operations and for the construction of improvements and appurtenances that may be required commensurate with the proposed operation(s).

1.03 General Requirements

A) Requirement of a Written Agreement. Prior to the commencement of operations, the prospective Operator will be required to enter into a written agreement with the Board, which agreement will recite the terms and conditions under which he will operate his business on the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges and obligations of the respective parties; and other relevant covenants. It should be understood that these Minimum Standards do not represent a complete recitation of the provisions to be included in the written agreement. Such contract provisions, however, will not change, modify, or be inconsistent with these Minimum Standards.

B) Site Development Standards

1. Physical Facilities. The minimum space requirements shall be satisfied with one (1) building, attached buildings, or separate buildings on permanent foundations. Mobile office facilities may be used on leased property, by special permission of the Board, providing facility is in compliance with all rules, regulations, and ordinances of the FAA, Livingston County, the Livingston County Building Department and Howell Township. All construction must be approved by the Board and other appropriate agencies.

2. Engineering Standards. No person shall make any alterations of any nature whatsoever to any buildings, ramp or other Airport space, nor erect any building or other structure without prior submission of a written request, including detailed plans and specifications, and have receipt of written permission from the Board. Prospective Operators shall comply with all building codes of the County of Livingston and shall deliver to the Airport Manager "as built" plans upon completion. Alterations or construction must be submitted to the Federal Aviation Administration, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and receive a favorable determination, prior to commencement of any construction.

1.04 General Lease Clauses

A) For all Airport Lease Agreements

1. Aircraft Service by Owner or Operator of Aircraft: No right or privilege granted herein shall prevent any entity operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance repair and self-fueling) that it may choose to perform, subject to board and federal restrictions and these minimum standards.

2. Airport Development: The Board reserves the right to further develop or improve the airfield. If the physical development of the Airport requires the relocation of Operator-owned facilities, the Board agrees to provide a comparable location, and agrees to relocate all Operator-owned buildings or provide similar facilities for the Operator at no cost to the Operator.

3. Board's Rights: The Board reserves the right (but shall not be obligated to the Operator) to maintain and keep in repair the airfield. The Board shall have the right to regularly audit the financial records of all Operators if the Board has an interest in the records. The Board shall have the right to inspect all Operators in order to establish proof of currency of all licenses, compliance with all laws, rules, regulations, and standards with which the Operator is required to comply. The Board reserves the right to operate or conduct any or all aeronautical activities, as a part of airport operations, as necessary to benefit the Airport.

4. Airport Obstructions: The Board reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the Operator from erecting, or permitting to be erected, any building or other structure on the Airport which in the opinion of the Board, would limit the usefulness of the Airport or constitute a hazard to aircraft.

5. Subordination: Airport leases shall be subordinate to the provisions of any existing or future agreement between the County of Livingston and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

6. Compliance with Laws, Etc.: The Operator shall at all times comply with the airport rules and regulations, federal, state, and local laws, ordinances, codes and other regulatory measures now in existence or, as may be hereafter modified or amended, applicable to the specific type of operation contemplated. The Operator shall procure and maintain during the term of the Agreement all licenses, permits, and other similar authorizations required for the conduct of his business operations.

7. Misrepresentation: All terms and conditions with respect to these Minimum Standards are expressly contained herein, and the Operator agrees that no representation or promise has been made with respect to these Minimum Standards not expressly contained herein.

8. Subleasing: If permitted in the lease between Operator and the Board, all or a portion of a leased area may be subleased to another Operator. No such Operator shall be exempt from these Minimum Standards.

B) For Agreements which provide services to the Public:

1. The Operating entity, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in an Airport lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the Operators shall maintain and operate such facilities and service in compliance with all other requirements imposed in federally assisted programs of the Department of Transportation, and as said regulations may be amended.

2. The Operating entity, for itself, its heirs, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:

a) No person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

b) That in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,

c) That the Operator shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.

3. The Operator assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered by 14 CFR Part 152, Subpart E. The Operator assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by their subpart. The Operator assures that it will require that its covered sub-organizations provide assurances to the Operator that they will undertake affirmative action programs and that they will require assurances from their sub-organizations, as required by 14 CFR Part 152, Subpart E., to the same effect.

4. Operator agrees to furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit of service; PROVIDED, that Operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers. None of the above provisions are required for a hangar lease where space is used only for storing lessee's aircraft,

and no services are provided to the public, however, the leases must state the intended use, and stipulate that services to the public are prohibited. Reference FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*, and the Airport's Rules and Regulations, as may be amended.

ARTICLE TWO

FIXED-BASE OPERATORS

2.01 Qualifications.

An Operator shall qualify as a fixed-base operator (FBO) upon proof that the said Operator is a financially stable and responsible business enterprise. In addition, said Operator shall perform more than one operation as listed in Section 1.01 of these Minimum Standards. The Operator shall demonstrate that the premises from which it operates at the Airport and the personnel employed by it comply with the following requirements, as appropriate to the conduct of Operator's business.

2.02 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for the type of operations proposed. Such space shall include an office area, parking for employees and customers, a public telephone, and properly lighted and heated restrooms for customers and employees. In the event said building is new construction, the land area to be leased shall include a minimum of 2.5 times the building footprint. Building shall include a general aviation service hangar area sufficient for intended use. Ramp area constructed shall be a minimum of 1.5 times the area of hangar.

2.03 Personnel

Provide employees with the proper training and certifications for the operations proposed.

2.04 Equipment

Provide the equipment necessary to perform the operations proposed.

2.05 Hours of Operation

The Operator shall post and maintain hours of operation convenient to customers.

2.06 Insurance

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE THREE**AIRCRAFT SALES**

Any aeronautical service desiring to engage in the sale of new or used aircraft must lease or provide as a minimum the following:

3.01 Minimum Area

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

3.02 Personnel.

The Operator shall provide one or more persons holding a current pilot certificate and ratings appropriate for the type of aircraft to be demonstrated. Provision must be made for the office to be attended during posted business hours.

3.03 Parts and Service.

The Operator shall have access to an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft.

3.04 Hours of Operation.

The Operator shall provide hours of operation convenient to customers.

3.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE FOUR**AIRFRAME AND/OR POWER PLANT REPAIR OTHER SPECIALIZED AIRCRAFT MAINTENANCE SERVICES**

Any service desiring to engage in airframe and/or power plant repair or other specialized aircraft maintenance services shall provide as a minimum the following:

4.01 Minimum Area.

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

4.02 Personnel.

The Operator shall provide a minimum of one person properly certificated by the FAA or other regulatory agency with appropriate ratings for work to be performed.

4.03 Equipment.

The Operator shall provide sufficient equipment, supplies, and parts availability to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

4.04 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers.

4.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

**ARTICLE FIVE
AIRCRAFT RENTAL**

Any service desiring to engage in the rental of aircraft to the public shall provide as a minimum the following:

5.01 Minimum Area.

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

5.02 Personnel.

The Operator shall provide for office to be attended during posted working hours.

5.03 Aircraft.

The Operator shall own or have exclusive lease in writing at least one (1) aircraft equipped for flight under instrument conditions. Aircraft to be maintained in accordance with all applicable FAA regulations.

5.04 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers.

5.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverage required to be provided by Operator.

ARTICLE SIX

FLIGHT INSTRUCTION

All independent flight instructors, defined as giving instruction only in student owned aircraft, are exempt from this article of the Minimum Standards. Any single instructor shall have the opportunity to follow Airport's "Guidelines for use of Public Terminal Building by Flight Schools and Instructors(December 17, 1991, as amended)". All other Operator's desiring to engage in flight instruction shall provide as a minimum the following:

6.01 Minimum Area.

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

6.02 Personnel.

The Operator shall provide a minimum of one person holding a current commercial pilot certificate with appropriate ratings for flight instruction. Additional persons to provide for office to be attended during posted working hours.

6.03 Aircraft.

The Operator shall own or have exclusive lease in writing for one (1) aircraft equipped for flight under instrument conditions. Aircraft to be maintained in accordance with all applicable FAA regulations.

6.04 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers.

6.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverage required to be provided by Operator.

ARTICLE SEVEN**AIR TAXI OR CHARTER SERVICE**

Any service desiring to engage in air taxi or charter service shall, in addition to meeting all provisions of FAR Part 135, provide as a minimum the following:

7.01 Minimum Area.

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

7.02 Personnel.

The Operator shall provide a minimum of one (1) FAA certified commercial pilot appropriately rated to conduct air service offered. Additional personnel as required to attend office during normal working hours.

7.03 Aircraft.

The Operator shall provide a minimum of one (1) aircraft equipped for flight under instrument conditions. Nonowned aircraft must have exclusive lease in writing.

7.04 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers.

7.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE EIGHT**AIRCRAFT FUELS AND DISPENSING SERVICE****8.01 Fixed-Base Operator (FBO).**

Any operator desiring to dispense fuel or provide fueling services must comply with fixed-base operator (FBO) requirements detailed in Section 2.01

8.02 Minimum Area.

The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A public telephone shall be supplied for flight plans, weather briefings, or other public uses.

8.03 Personnel.

The Operator shall provide one or more persons trained in the servicing of aircraft on duty during posted working hours.

8.04 Equipment.

The Operator shall provide minimum fixed fuel storage of at least 10,000 gallons aviation gasoline and 10,000 gallons aviation jet fuel. Additional equipment as required to perform services in Paragraph 8.05.

8.05 Services Required.

The Operator shall provide the following the following services:

- a. Fuel service for 100LL and Avjet.
- b. Portable preheaters.
- c. Tow vehicles.

8.06 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers. Hours shall be not less than eight (8) hours per day, seven (7) days per week.

8.07 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

8.08 Commercial/Noncommercial Compliance with Fire/Safety Standards.

All Commercial Operators, or noncommercial operators authorized to conduct business or operate at the Livingston County Airport shall comply with the Airport's "Fire Safety/Fuel Handling Standards" considered a part of these Minimum Standards.

ARTICLE NINE**AERIAL APPLICATION OPERATIONS****9.01 Compliance with Federal Law**

Crop spraying and dusting services shall not be permitted to take place using the Livingston County Airport as a base of operations, until operator has demonstrated to the board compliance with all applicable federal, state, and local laws and regulations or requirements. All requirements for this class of operation will be negotiated prior to the commencement of operation from the Livingston County Airport. This restriction shall not apply to insect/pest control aerial spraying by a bonafide governmental unit or agency undertaken for the protection of the public. Such governmental units or agencies shall obtain the permission of the Airport Manager prior to initiating these activities.

ARTICLE TEN**SPECIALIZED COMMERCIAL FLIGHT SERVICES**

Services desiring to engage in specialized commercial air activities such as, but not limited to the following: Banner towing and aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from Part 135 of the FAA Regulations, shall comply with the following minimums.

10.01 Minimum Area.

The Operator shall construct a building or lease a portion of a building to provide suitable facilities for office space, flight planning, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees.

10.02 Personnel.

The Operator shall provide at least one (1) person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

10.03 Aircraft.

The Operator shall provide at least one (1) properly certificated aircraft owned or leased by written agreement.

10.04 Hours of Operation.

The Operator shall post and maintain hours of operation convenient to customers.

10.05 Insurance.

The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverage required to be provided by Operator

ARTICLE ELEVEN

ADOPTION AND AMENDMENT TO MINIMUM STANDARDS

11.01 Adoption

These Minimum Standards shall become effective as of November 1, 1998.

11.02 Amendment

The Board reserves the right to amend these Minimum Standards at its own discretion. Prior to all amendments, a written comment period of sixty (60) days will transpire for all proposed amendments. Proposed amendments will be distributed by certified mail to all Operators at the Airport affected by the Minimum Standards, for comment on proposed amendment(s). Written comments will be discussed at the next regularly scheduled meeting of the Board. The proposed amendment(s) to the Minimum Standards will be adopted at the following regularly scheduled meeting of the Board.

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Sample Minimum Standards for Commercial Aeronautical Activities

Example 2

KNOX COUNTY REGIONAL AIRPORT, Maine**PREAMBLE**

The Knox County Commissioners, recognizing the need to protect the public health, safety, and to foster the economic health and orderly development of Commercial, Aeronautical and Non-aeronautical Operators at the Knox County Regional Airport, hereby promulgates and adopts the following procedures and minimum standards for the use of any land or facility on said Airport.

CANCELLATION

Rates and Minimum Standards for Commercial Activities and Leasing of Land and Facilities at Knox County Regional Airport, Effective September 1, 1979, and as amended June 1, 2001.

RELATED READING MATERIAL

- A. Federal Aviation Agency Policy Statement *Exclusive Rights at Airports* as published in the *Federal Register* (30 Fed. Reg. 13661), October 27, 1965.
- B. Order 5190.6B, Airport Compliance Manual.
- C. Advisory Circular (AC) 150/5190-6, *Exclusive Rights at Federally Obligated Airports*.
- D. Aircraft Owners and Pilots Association (AOPA) Handbook for Pilots, 1989.

THE FOLLOWING PROCEDURES AND MINIMUM STANDARDS ARE APPROVED AND ACCEPTED WITH ALL CURRENT CHANGES, EFFECTIVE JANUARY 1, 1992, and as amended June 1, 2001.

I. APPLICATION

Any person wishing to acquire the use of land or establish or use any facility on the Airport for an aeronautical or any other activity shall be furnished a copy of these standards and procedures, as amended from time to time, and shall make an application in writing, filed with the Airport Manager, setting forth in detail the following:

- A. The name and address of the applicant;
- B. The proposed land use and/or services to be offered;

C. The requested or proposed date for commencement of the activity and the term of conducting same;

D. The amount of land to be leased;

E. The financial responsibility and ability of applicant or operator to carry out the activity sought.

II. NOTICE AND HEARING

Upon the filing of such an application with the Airport Manager's Office, it shall be immediately referred to the Airport Advisory Committee for review at their next meeting. After review by the committee, any recommendations shall be forwarded to the County Commissioners with recommendations of the Airport Manager and considered at the next scheduled meeting of the County Commissioners. If no meeting is scheduled within thirty (30) days from the filing of such application, a special meeting shall be called for considering the same and notice thereof given to the applicant. Upon the consideration of the application, the County Commissioners shall determine whether or not the applicant meets the standards and qualifications as herein set out and whether or not such application should be granted in whole or in part, and if so, upon what terms and conditions.

III. LEASE OR CONTRACT

Upon the approval of any such applications submitted or modified, the County Commissioners shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions of the land and/or facility use, which lease or contract shall in every instance be conditional upon or contain language assuring:

A. That the minimum standards be incorporated into the Lease or Contract Reference; and

B. That there be original and continued compliance with the standards required for each particular aeronautical or other activity approved; and

C. That any structure or facility to be constructed or placed upon said Airport shall be constructed in a manner to conform to all safety regulations of the State of Maine and the County, and shall be in compliance with the requirements of current building codes and fire regulations of the County; and that any construction once commenced will be diligently prosecuted to completion.

IV. STANDARDS FOR SPECIFIC ACTIVITIES

In addition to meeting the requirements of paragraph I, every person conducting the following specific activities shall meet the additional requirements as hereinafter set forth:

A. *Aircraft Charter, Air Taxi and Fixed-Base Operator (FBO).*

1. Definition

An Aircraft Charter and an Air Taxi Operator is a person or persons, firm, or corporation engaged in the business of providing air transportation persons or property to the general public for hire, either on a charter basis (Commercial Operation) or as an Air Taxi Operator, as defined in the Federal Aviation Act.

2. Minimum Standards

a. The Operator shall lease from the Knox County Regional Airport an area not less than one half acre of ground space on which shall be erected a building to provide at least 2,000 square feet of floor space for aircraft storage. At least 500 square feet of floor space for office, customer lounge and rest rooms, shall be properly heated and lighted; and shall provide telephone facilities for customers use. The Operator shall provide auto-parking space within the leased area to accommodate at least six (6) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway.

b. Operator shall have his premises open and services available eight (8) Hours daily, six (6) days per week minimum on a year round basis.

c. The Operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one (1) Federal Aviation Administration certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

d. The Operator performing the services under this category will be required to carry insurance necessary to adequately protect the customers and the County.

B. Aircraft Rental or Sales, (Fixed-base Operator)

1. Definition

An Aircraft Rental or Sales Operator is a person or persons, firm, or corporation engaged in the rental or sale of new or used aircraft through franchises, licensed dealerships or distributorships (either on a retail or wholesale basis), or otherwise; provides such repair, services, and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by him.

2. Minimum Standards

- a. The Operator shall lease from Knox County Regional Airport an area of not less than one (1) acre of ground space to provide for outside display and storage of aircraft, on which shall be erected a building to provide at least 2,000 square feet of floor space for aircraft storage. At least 500 square feet of floor space for office, customer lounge, and rest rooms shall be properly heated and lighted; and shall provide telephone facilities for customers use.
- b. The Operator shall provide auto-parking space within the leased area to accommodate at least six (6) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway.
- c. The Operator shall have available for rental, either owned or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft.
- d. For sales activity of a new aircraft, a sales or distributorship franchise from a recognized aircraft manufacturer of new aircraft, and at least one demonstrator model of such aircraft.
- e. The Operator shall provide necessary and satisfactory arrangement for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a Repair Shop Operator at Knox County Regional Airport. The Operator shall provide an adequate inventory of spare parts for the type of aircraft for which sales privileges are granted.
- f. The Operator shall have his premises open and services available eight (8) hours daily, six (6) days a week on a year round basis.
- g. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, set standards being never less than one (1) person having a current, effective commercial pilot certificate with a single engine rating and instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- h. The Operator performing the service under this category will be required to carry the types of insurance necessary to adequately protect the customers and the County.

C. Flight Training, (Fixed-base Operator)

1. Definition

A Flight Training Operator is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo flight training, in fixed or rotary wing aircraft, and provides such

related ground school instruction as is necessary preparatory to taking written examination, and flight check ride for the category or categories of pilots' licenses and ratings involved.

2. Minimum Standards

- a. The Operator shall lease from the Knox County Regional Airport an area of not less than one half (1/2) acre of ground space on which shall be erected a building to provide at least 2,000 square feet of floor space for aircraft storage. At least 500 square feet of floor space for office, classrooms, briefing room, pilot lounge and rest rooms shall be properly heated and lighted; and shall provide telephone facilities for customer use. The Operator shall provide auto-parking space within the leased area to accommodate at least six (6) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway.
- b. The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than two (2) properly certificated aircraft.
- c. The Operator shall provide adequate pictures, slides, filmstrips and other visual aides necessary to provide proper ground school instruction.
- d. The Operator shall have his premises open and services available eight (8) hours daily, six (6) days a week on a year round basis.
- e. The Operator shall have on a full-time basis at least one flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.
- f. The Operator performing the service under this category will be required to carry the types of insurance necessary to adequately protect the customers and the County.

D. Aircraft Service Facilities

1. Definition

An Aircraft Service Facility is a person or persons, firm, or corporation engaged in the business of providing line service to the more popular demands of the general aviation users of the Airport, to include the sale or interplane delivery of recognized brands of aviation fuels, lubricants and other related aviation petroleum products. This fixed-base operator function shall include, in addition to the above, the necessary ramp assistance in parking/tie-down assignments, "follow-me" vehicle operation and collection of transit parking fees.

2. Minimum Standards

- a. The Operator shall lease from the Knox County Regional Airport an area of not less than one half (1/2) acre of ground space on which shall be erected a building to provide at

least 2,000 square feet of floor space for repair services. At least 300 square feet of flow space for office, customer lounge, and rest rooms shall be properly heated and lights. The Operator shall provide auto-parking space “within” the leased area to accommodate all of operations employees. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator’s office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft awaiting repair of maintenance or delivery after repairs have been completed, and aircraft movement from the Operator’s building to the taxiway.

b. The Operator shall provide at least two (2) fuel storage tanks at the Knox County Regional Airport and maintain an adequate supply of fuel on hand at all times of at least two (2) grades of fuel as closely related as possible to the demands. The Operator shall provide at least two (2) metered filter-equipped dispensers, fixed or mobile, for dispensing pumps and meters are required for each grade of fuel. All EPA/DEP standards and requirements will be complied with. The Operator shall provide such minor repair service that does not require a certificated mechanical rating, and cabin services, to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator. The Operator shall procure and maintain tools, jacks, and such equipment as necessary to provide for the repairing of items outlined in FAF Part 43 for noncommercial purposes. All equipment shall be maintained and operated in accordance with local and state industrial codes.

c. In conducting refueling operations, every Operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity, and shall also provide approved types of fire extinguishers or other equipment commensurate with the hazards involved in refueling and servicing aircraft.

d. The Operator shall provide for the adequate, sanitary handling and disposal, away from the Airport, of all trash, waste, and other materials, including but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.

e. The Operator shall have his premises open for aircraft fueling and oil dispensing service during daylight hours six (6) days a week, (Mon. – Sat). The Operator shall make provisions for such service during hours of darkness and Sunday with an “on-call” basis. The Operator shall post in a conspicuous location, a sign explaining the procedures to be followed in obtaining after hour service to include Sundays.

f. The Operator shall have in his employ, and on duty during the appropriated business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner. Said personnel shall be trained in operating fire-fighting equipment specified in 2. C. seen above.

g. The Operator performing the services under this category will be required to carry the types of insurance necessary to protect the customers and the County from loss.

E. Airframe and Power-plant Repair Facilities

1. Definition

An Aircraft Engine, Airframe Maintenance, and Repair Operator is a person or persons, firm or corporation providing one or a combination of airframe and power plant repair service, but, with at least one person currently certified by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.

2. Minimum Standards

a. The Operator shall lease from the Knox County Regional Airport an area of not less than one half acre of ground space and on which shall be erected a building to provide at least 2000 square feet of floor space for airframe and power plant repair services, including sufficient hanger space to provide housing for any aircraft being services, and at least 300 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted. The Operator shall provide auto-parking space within the leases area to accommodate at least six (6) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft awaiting repair or maintenance or delivery after repairs have been completed and aircraft movement from the Operator's building to the taxiway.

b. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week on a year round basis.

c. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner. Never less than one (1) person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating. The Operator shall make provision for someone to be in attendance at all times during the required operating hours.

d. The Operator performing the services under this category will be required to carry the types of insurance necessary for the protection of customers and the County.

F. Radio, Instrument, or Propeller Repair Station

1. Definition

A Radio, Instrument, or Propeller Repair Station Operator is a person or persons, firm or corporation engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments, and accessories for the general aviation aircraft. This category shall

include the sale of new or used aircraft radios, propellers, instruments, and accessories, but such is not an exclusive right.

2. Minimum Standards

a. The Operator shall lease from the Knox County Regional Airport an area of not less than one half (1/2) acre of ground space and on which shall be erected a building to provide at least 2,000 square feet of floor space to hanger at least one (1) aircraft, to house all equipment, and to provide an office, shop, customer lounge and rest rooms, all of which to be properly heated and lights. The Operator shall provide auto-parking space within the leased area and shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft and aircraft movement from the Operator's building to the taxiway.

b. The Operator shall have his premises open and services available eight (8) hours daily, five (5) days each week on a year round basis.

c. The Operator shall have in his employ and on duty during the appropriated business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one (1) person who is a Federal Aviation Administration Rated Radio, Instrument or Propeller Repairman.

d. The Operator performing the services under this category will be required to carry the types of insurance necessary to protect the customers and County.

G. Specialized Commercial Flying Services

1. Definition

A specialized Commercial Flying Services Operator is a person or persons, firm, or corporation engaged in Air Transportation for Hire for the purpose of providing the use of aircraft for activities listed below:

a. Nonstop sightseeing flights that begin and end at the same airport;

b. Crop dusting, fish spotting, seeding, spraying and bird chasing;

c. Banner towing and aerial advertising;

d. Fire fighting;

e. Power line or pipeline patrol

f. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

2. Minimum Standards

a. The Operator shall lease from the Knox County Regional Airport an area of not less than one half (1/2) acre of ground space and on which shall be erected a building to provide at least 2,000 square feet of floor space for airframe and power plant repair services, including sufficient hanger space to provide housing for any aircraft being serviced. At least 300 square feet of floor space for office, customer lounge and rest rooms shall be properly heated and lighted. In the Case of crop dusting, aerial application, or other commercial use of chemicals, Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical materials. Such facilities will be in a location on the Knox County Regional Airport, which will provide the greatest safeguard to the public. The Operator will comply with all EPA/DEP requirements. The Operator shall provide auto-parking space within the leased area to accommodate at least six (6) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft awaiting repair or maintenance or delivery after repairs have been completed and aircraft movement from the Operator's building to the taxiway.

b. The Operator shall provide and have based on his leasehold, either owned or under written lease to Operator, not less than one (1) aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the State of Maine with respect to the type of operations to be performed. In the Case of crop dusting or aerial application, Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

c. The Operator shall have in his employ, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet minimum standards herein set forth in an efficient manner, but never less than one (1) person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed.

d. The Operator performing the services under this category will be required to carry the insurance necessary to adequately protect customers and the County.

H. Multiple Services

1. Definition

A Multiple Service Operator shall be one who engages in any two (2) or more of the aeronautical services for which minimum standards have been herein before provided.

2. Minimum Standards

a. The Operator shall lease from the Knox County Regional Airport an area of not less than one (1) acre of ground space for aircraft storage, parking and other use in accordance with the services to be offered, and on which shall be erected a building to provide at least 2,500 square feet of floor space for aircraft storage and parking. At least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use. If Flight Training is one of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building. If crop dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the Operator shall provide a centrally drained, paved area of not less than 2,500 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location of the Knox County Regional Airport, which will provide the greatest safeguard to the public. The Operator shall provide auto-parking space within the leased area to accommodate at least ten (10) automobiles. The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office. The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway.

b. The Operator shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided. Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application, or other commercial use of chemicals. The Operator, except if he is performing Aircraft, Radio, Instrument, or Propeller Repair Station only, as the multiple service, shall have available and based at Knox County Regional Airport, either owned by Operator or under written lease to Operator, not less than two (2) certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as herein before provided for each aeronautical service to be performed. The Operator shall provide the equipment and services required to meet the minimum standards as herein before provided for each aeronautical service the Operator is performing.

c. The Operator shall adhere to the hours of operation required for each aeronautical service being performed.

d. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each Aeronautical Service Operator is performing as herein before provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator.

e. The Operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by the Operator.

I. Flying Clubs

The following requirements apply to all Flying Clubs desiring to base their aircraft on the Airport and be exempt from minimum standards:

1. Flying Club Organizations

Each Club must be a nonprofit Maine Corporation, Partnership, or demonstrable affiliated with same. Each member must be a bona fide owner of the aircraft; a stockholder in the corporation, or, in the case of a Parent Corporation or institution, each member must be currently employed by or enrolled in same.

2. Aircraft

The club's aircraft will not be used by other than bona fide members for rental and by anyone for hire, charter or air taxi.

3. Violations

In the event that the club fails to comply with these conditions, the Airport Manager will notify the club in writing of such violations. If the club fails to correct the violation in fifteen (15) days, the Knox County Commissioners may take any action deemed advisable.

4. Insurance

Each aircraft owned by the Flying Club must have the aircraft liability insurance coverage necessary to adequately protect the club members and the County.

5. Student Instruction

Student instruction may be given in club aircraft.

V. BASIC LEASE TERMS AND CONDITIONS:

(All operations open to the public)

A. Premises To Be Operated For Use And Benefit Of Public

Lessee agrees to operate the premises for the use and benefit of the public.

1. To furnish good, prompt, and efficient service adequate to meet all the demands for its service at the Airport.
2. To furnish said service on a fair, equal, and nondiscriminatory basis to all users thereof.

3. To charge fair, reasonable, and nondiscriminatory prices for each unit of sale or service, provided that the Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

B. Nondiscrimination Clause

The Lessee, his agents, and employees will not discriminate against any person or class of persons by reason of race, color, creed or national origin in providing any services or in the use of any of its facilities provided for the public, in a manner prohibited by Part 15 of the Federal Aviation Regulations. The Lessee further agrees to comply with such enforcement procedures as the United States might demand that the Lessor take in order to comply with the sponsor's assurances.

C. Aircraft Service By Owner Or Operator Of Aircraft

It is clearly understood by the Lessee that no right or privilege has been granted which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.

D. Nonexclusive Rights Clause

It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.

E. Development of the Knox County Regional Airport

Lessor reserves the right to further develop or improve the airfield as it sees fit, regardless of the desires of view of the Lessee, and without interference or hindrance.

F. Lessor's Rights Clause

Lessor reserves the right, but shall not be obligated to Lessee, to maintain and keep in repair the airfield and all publicly owned facilities on the Airport, together with the right to direct and control all activities of Lessee in this regard.

G. Obstructions at Knox County Regional Airport

Lessor reserves the right to take any action it consider necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent Lessee from erecting, or permitting to be erected, any building or other structure on the Airport which, in the opinion of the Lessor, would limit the usefulness of the Airport or constitute a hazard to aircraft.

H. Subordination Clause

This lease shall be subordinate to the provisions of any existing or future agreement between Lessor and the United States, relative to the operation or maintenance of the Airport, the

execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

I. Ground Fees

Ground rent shall be negotiated or escalated each year by an amount equal to the federal consumer price index.

J. Rent-A-Car

The concession fee for all Airport tenants engaged in the Rent-A-Car business shall be a percentage of gross receipts for time, mileage and insurance, plus such ground rent as is mutually agreeable. Percentage to be negotiated at time of lease and updated at each renewal date.

K. Waste Removal

Each tenant shall provide for the adequate and sanitary handling and disposal, away from the Airport, of all trash, waste, and other materials, including, but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.

L. Landscaping

Landscaping of facilities is required. Each Operator will be required to provide a plan for landscaping his area, to be approved by the Knox County Commissioners and maintained by the Operator in a neat, clean, and aesthetically pleasing manner.

M. Improvements.

Any improvements to the leased premises must be approved by the Knox County Commissioners and will become the property of the County or will be removed from the premises at the Lessee's expense, upon expiration of the lease, at the option of the County.

IV. AMENDMENT OF STANDARDS

The Knox County Commissioners shall review the standards for conducting aeronautical or other activities at least bi-annually and shall recommend such revisions or amendments as shall be deemed necessary under the use circumstances surrounding the Airport to properly protect the health, safety and interest of the County and the health, safety and interest of the County and Public. Upon approval of any such amendments, the Operators of aeronautical activities secured hereunder shall be required to conform to such amended standards.

ADDITIONAL PROVISIONS

1. Basis lease payments shall be paid monthly in advance on or before the first of the month due.
2. Percentage payments shall be paid quarterly and shall not be over 30 days in arrears,

3. All tenants shall provide the Airport Manager or the County Commissioners with a report of operations and sales with any percentage payments as may be required by them. The County reserves the right to audit these reports and or statements as necessary for its purposes, unless otherwise agreed to in writing.
4. In the Case of leases located where minimum guarantees are required, the sales of new and used aircraft shall be exempt from percentage fees after minimum guarantees are reached.
5. These standards as published are minimum standards only. Additional standards may be required of any tenant as conditions may dictate at the time of the lease being reached.
6. The County reserves the right to waive any of these minimum standards if, in the opinion of the Commissioners, the existing conditions should warrant such waiver, and may at their discretion, apply such waiver to any other tenants as they may see fit.
7. Industrial or other nonaeronautical leases on land belonging to Knox County will be negotiated on its own merits and charged for at rates considered at the time of the negotiations.
8. PRIVATE PROPERTY OPERATIONS AT KCRA. There will be no approval of access ways/taxiways etc., to private property operations at KCRA, beyond what is currently allowed by previous agreement.