

**MINIMUM STANDARDS  
FOR  
FIXED BASE OPERATORS  
PROVIDING AERONAUTICAL SERVICES  
TO THE PUBLIC AT THE  
BURLINGTON-ALAMANCE REGIONAL AIRPORT  
BURLINGTON, NORTH CAROLINA**

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## **CHAPTER I**

### **GENERAL PROVISIONS**

#### **SECTION 1 PURPOSE**

1.1 The minimum standards contained in this document (the “Minimum Standards”) are intended to provide the minimum threshold requirements for any person wishing to provide aeronautical services to the public on the Burlington-Alamance Regional Airport. These Minimum Standards are designed to assure that the flying public is provided with all of the necessary aircraft services on the Airport as well as preventing unqualified persons from offering aeronautical activities to the public on the Airport. The Minimum Standards are intended to be reasonable and non-discriminatory. They shall be observed, abided by, and enforced.

#### **SECTION 2**

#### **DEFINITIONS**

The following words and terms shall have the meaning indicated below, unless the context clearly requires otherwise:

1.2.1 AGL: An altitude expressed in feet measured above ground level.

1.2.2 AIM: Aeronautical Information Manual. A publication containing basic flight information and air traffic control procedures designed primarily for use as a pilot’s instructional and reference manual in the National Airspace System of the United States.

1.2.3 Aeronautical Activities: Any 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 operations. Aeronautical activities include, but are not limited to: Air Taxi and charter operations, pilot training, aircraft rental, aircraft hangar leasing, sight-seeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, sales of aviation petroleum products, repair and maintenance of aircraft, sales of aircraft parts and any other activities which directly relate to the operation of aircraft. In contrast, examples which are not “Aeronautical Activities” include: ground transportation (taxis, car rentals, limousine service, etc.), restaurants, in-flight food catering and auto parking lots.

1.2.4 Aeronautical Service: Any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the airport by a person who has a lease or permit from the airport owner to provide such service.

1.2.5 Airport: Burlington-Alamance Regional Airport and all of the property, buildings, facilities and improvements within the boundaries of such airport as it now exists on the Airport Layout Plan, or as it may hereafter be extended, enlarged or modified.

1.2.6 Airport Executive Director: That person or persons employed, designated or appointed by the Airport Authority to manage the airport. (See sec 3 of this chapter)

1.2.7 Airport Operations Area (AOA): That surface of the airport used, or intended to be used for landing, take off, taxiing or the maneuvering of aircraft.

1.2.7.1 Applicant: The entity applying for FBO authorization and the individual owners thereof.

1.2.8 Authority: Burlington-Alamance Airport Authority.

1.2.9 City: The city of Burlington, North Carolina, its designated officials, officers, employees or representatives.

1.2.10 County: The County of Alamance, North Carolina, its designated officials, officers, employees or representatives.

1.2.11 CTAF: Common Traffic Advisory Frequency. (122.975 Mhz for Burlington-Alamance Regional Airport)

1.2.12 FAA: Federal Aviation Administration.

1.2.13 FAA-SADO: Southern Region Atlanta Airports District Office, Federal Aviation Administration.

1.2.14 FAR: Federal Aviation Regulations.

1.2.15 FBO: Fixed Base Operator(s) is a person or entity who has a lease from the Authority, or a sublease approved by the Authority to provide one or more aeronautical service to the public at the Airport.

1.2.16 IFR: Instrument Flight Rules, which govern the procedures for conducting instrument flight.

1.2.17 Landside: All buildings and surfaces on the airport used by vehicular and pedestrian traffic that is not part of the AOA.

1.2.18 MSL: An altitude expressed in feet measured from Mean Sea Level.

1.2.19 Minimum Standards: Those standards established by the Authority as the minimum requirements to be met by an FBO or SASO as a condition for the right to provide aeronautical services to the public at the Airport.

1.2.20 NCDOA: North Carolina Department of Transportation, Division of Aviation.

1.2.21 NFPA: National Fire Protection Association.

1.2.22 Normal Business Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday, unless modified by the Airport Executive Director in writing.

- 1.2.23 NOTAM: "Notice to Airmen" published by the FAA.
- 1.2.24 NTSB: National Transportation Safety Board and its successors.
- 1.2.25 Person: An individual, corporation, partnership, association or any other legal entity.
- 1.2.26 Pedestrian: Any person afoot.
- 1.2.27 "Shall": The word "shall" is always mandatory.
- 1.2.28 Ultralight: An aeronautical vehicle operated for sport or recreational purpose which does not require FAA registration, airworthiness certificate or pilot certification. The aircraft cannot exceed an empty weight of 254 lbs, an airspeed of 55 kts nor have a fuel capacity of more than 5 U.S. gallons.
- 1.2.30 Unicom: A non-governmental communications facility which may provide airport information at certain airports. Locations and frequencies are shown on aeronautical charts and publications.

## **CHAPTER II**

### **AUTHORIZATION TO OPERATE AT THE AIRPORT**

#### **SECTION 1**

#### **GENERAL**

- 2.1.1 An FBO must meet the following prerequisites to operate at the Airport:
- a. Obtain the written consent of the Authority through the application process set forth in these Minimum Standards.
  - b. Obtain and comply with all requirements for appropriate licenses from any governmental authority to operate an FBO at the Airport.
  - c. Enter into a written agreement with the Authority. The FBO further understands that in the conduct of all of its operations at the Airport, public safety and public interest are paramount.
  - d. Deliver to the Authority a Certificate of Insurance in a form and content acceptable to the Authority.

#### **SECTION 2**

#### **BUSINESS NAME**

- 2.2.1 No person or entity shall provide an aeronautical service to the public on the Airport under a business name identical to or substantially similar to the business name of any other FBO on the Airport, or the name of the Authority or of the Airport itself.

### **SECTION 3**

### **APPLICATION PROCEDURES**

2.3.1 Any applicant wishing to establish an FBO on the Airport shall, upon request, be furnished a copy of the Minimum Standards, as amended, and shall make application in writing to the Authority setting forth in detail the following:

- a. The name and address of the applicant.
- b. The proposed land use, location of facility, facility and/or activity sought and how that use or activity will be in compliance with applicable local, state, and federal statutes, regulations, and ordinances.
- c. The names and the qualifications of the personnel to be involved in conducting such activity.
- d. The financial responsibility and technical ability of the applicant and operator to carry out the activity sought.
- e. Show evidence that it can meet or exceed the stated minimum standards for the aeronautical service to be provided to the public at the Airport.
- f. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
- g. The requested or proposed date for commencement of the activity and the term of conducting the same.
- h. The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.

### **SECTION 4**

### **ACTION ON APPLICATION**

2.4.1 All applications will be reviewed and analysis commenced by the Authority within 20 days from the receipt of a complete application. Applications may be of a scope and magnitude such that the Authority is required to submit the proposed activity to a public “request for proposal”. Factors to be considered by the Authority in evaluating an application include whether or not:

- a. The applicant meets qualifications, standards and requirements established by these minimum standards.
- b. The applicant’s proposed operations or construction will create a safety hazard on the Airport or violate any applicable local, state, or federal statute or regulation.

- c. The granting of the application will require the expenditure of local or Airport funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to the Authority.
- d. There is appropriate or adequate available space or buildings on the Airport to safely accommodate the proposed activity of the applicant.
- e. The proposed operation, airport development or construction complies with the approved Airport Layout Plan.
- f. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in interference with the operations of any present FBO on the Airport, such as problems in connection with aircraft traffic or service or preventing appropriate access or egress to the existing FBO area, or will result in depriving an existing FBO of portions of its leased area in which it is operating.
- g. Any party applying or interested in the business, has supplied false information, or has misrepresented any material fact in the application or supporting documents, or has failed to make full disclosure on the application.
- h. Any party applying or having an interest in the business, has a record of violating the Airport Rules, or the rules and regulations of any other airport, Civil Air Regulations, Federal Aviation Regulations, or any other rules and regulations applicable to this or any other airport. With respect to both items (g) and (h) above, the applicant's ability to demonstrate rehabilitation from any of these events shall be relevant as shall the degree to which the event adversely reflects on the applicant's ability to succeed as an FBO.
- i. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with the Authority, City of Burlington, County of Alamance, or any lease or other agreement at any other airport.
- j. Any party applying, or having an interest in the business, is not sufficiently credit worthy and may lack the ability, in the judgment of the Authority, to financially support and maintain the business to which the application relates and to promptly pay amounts due under the FBO lease.
- k. The applicant has a criminal record, or violated any Authority ordinance rule, or regulation, which adversely reflects on his ability to operate the FBO or Authority operation for which the application is made.

## **SECTION 5**

### **LEASE OR CONTRACT**

2.5.1 Upon approval of any such application as submitted or modified, the Authority shall cause to be prepared and the parties shall execute a lease or contract agreement suitable to the Authority setting forth the terms and conditions under which the FBO shall be conducted. In every instance the lease shall be conditional upon the following:

- a. The lease shall incorporate the Minimum Standards for the services to be provided and the FBO shall continue to meet or exceed the stated standards. Failure to comply after notification shall constitute grounds for termination or cancellation of the lease.
- b. Any structures or facility to be constructed or placed upon said Airport shall conform to all safety regulations of the State of North Carolina and shall conform to the requirements of current building codes and fire regulations applicable in City of Burlington and Alamance County, and any construction commenced will be diligently pursued to completion. Performance bonds commensurate with the value of the construction shall be required and shall otherwise be approved by the Authority.

## **SECTION 6**

### **AIRPORT LEASES NON-TRANSFERABLE**

2.6.1 No right, privilege, permit or license to do business at this Airport or any lease of any area of the Airport or a part thereof shall be assigned, sold or otherwise transferred or conveyed in whole or in part without the prior express written consent of the Authority.

## **SECTION 7**

### **RATES**

2.7.1 Product prices, service charges or rates charged by FBO's or SASO at their leaseholds shall not be excessive, discriminatory or otherwise unreasonable.

2.7.2 FBO and SASO services charge, product prices and rates shall be submitted to the Authority for review on a periodic basis.

## **CHAPTER III**

### **MINIMUM STANDARDS FOR FIXED BASE OPERATORS (FBO)**

## **SECTION 1**

### **GENERAL**

3.1.1 Each FBO is required to provide and maintain an office which shall be staffed and open to the public during normal business hours. Such office shall be the operator's office or place of business on the Airport. This office shall include a waiting room with appropriate furnishings, restrooms or access thereto and a telephone (unless adequate facilities currently exist as determined by the Authority). These facilities and office shall be kept in a neat, clean and orderly

condition and properly painted. Only one office shall be required of each FBO. No FBO, its employees, agents, officers or other persons connected with the business shall use the office area or other facilities of any other FBO without written consent of said FBO and the Authority

3.1.2 Each FBO shall enter into an agreement with the Authority which shall include an agreement on the part of the FBO to accept, be bound by, comply with and conduct its business operations in accordance with the Airport Rules and Regulations and these Minimum Standards.

3.1.3 The FBO shall also promptly pay, when due, all rentals, fees and payments to the Authority.

3.1.4 Unless otherwise provided by the Authority, all operations of the FBO shall be conducted in an area of sufficient size to accommodate all services for which the operator is approved, allowing for growth in the foreseeable future. The FBO shall not use any common use areas except as authorized by the Airport Rules and Regulations or by the Authority.

3.1.5 The FBO shall provide financial assurances or security (including personal guaranties) determined by the Authority to provide financial protection to the Authority against failure of the FBO to perform its obligations.

3.1.6 A FBO shall cooperate with the Authority and Airport Executive Director in the efficient operation, management, and control of the Airport, in helping promote the Airport, and shall maintain its facilities to be as attractive and up to date as possible.

3.1.7 All complaints by persons other than the Authority against any FBO for violation of the Airport Rules and Regulations or the terms of a FBO agreement, shall be made in writing and filed with the Authority. All complaints shall be signed by the person or persons making the complaint and shall specify dates, times, facts and witnesses, if any.

3.1.8 The FBO agrees to indemnify, defend, save and hold harmless the Authority, its agents, officers, representatives and employees, from, and against any and all actions, penalties, liability, claims, demands, damages or losses arising directly or indirectly out of acts or omissions of the FBO, its agents, officers, representatives, employees, and servants.

3.1.9 The FBO shall furnish all services authorized or approved by the Authority on a fair, and not unlawfully discriminatory basis to all persons, and shall charge fair, reasonable and no unlawfully discriminatory prices for each unit of service provided that the FBO may make reasonable discounts, rebates or other similar types of price reductions to volume purchasers, if permitted by law.

3.1.10 Each FBO, upon being fully authorized by the Authority, shall immediately commence and conduct on a full time basis, all business activities and services after a reasonable period of time for the completion of necessary facilities.

3.1.11 The Airport Executive Director or any authorized agent of the City or Authority, shall have the right to inspect, at any time during normal business hours, all airport premises,

together with the structures or improvements, and equipment, all licenses and registrations, and all fuel dispensing and fuel sales records, and records of aircraft rental of the FBO or its officers, agents, or representatives of agents.

3.1.12 The FBO shall park and store the aircraft used in its operations and its customers' aircraft only on areas assigned by the Authority, unless alternate arrangements for such parking or storage are made with another FBO or the Airport Executive Director.

3.1.13 The FBO will require written sublease agreements for all subtenants. The agreements will outline limitations and responsibilities of both lessee and lessor. The sublease agreements will be provided to the Authority for review and approval prior to use.

3.1.14 The FBO will be responsible for establishing and maintaining a listing of available hangar space and current hangar and tie-down rental rates under its leasehold or control at the airport. The FBO will maintain a waiting list for hangar space if needed and the Authority will periodically review the list.

3.1.15 All FBO activities shall be conducted in compliance with all Federal, State, or local statutes, regulations, ordinances, or directives.

## **SECTION 2 FBOs DEFINED**

3.2.1 A Fixed Base Operator (FBO) is a person or entity who has a lease from the Authority or a sublease approved by the Authority to provide one or more aeronautical service to the public at the Airport. The FBO must meet the qualifications, standards and requirements of these Minimum Standards, pay all required fees and receive approval from the Authority.

## **SECTION 3 AVIATION FUEL SALES**

3.3.1 Except as otherwise provided in any agreement between the FBO and the Authority, a FBO conducting aviation fuel and oil sales or service to the public shall be required to provide the following facilities, services and equipment;

- a. An FBO providing aviation fuel, oil, and line sales and service at the Airport ("Aviation Fuel Sales") shall conduct its operations using the following facilities and sizes:

- Lobby - 300 s.f. or greater
- Flight Planning Area - 160 s.f. or greater
- Pilot Lounge - 300 s.f. or greater
- Office - 120 s.f. or greater
- Customer Service Area - 96 s.f. or greater

Such facilities will be appropriately furnished and equipped to provide customers, pilots, and passengers with high quality service and a positive and professional

experience.

The FBO shall also secure, using its own resources, public access from streets and roads, and sufficient automobile parking for employees, contractors, and customers.

- b. The FBO conducting Aviation Fuel Sales shall, through its own resources, secure (by lease, construction, or otherwise) sufficient ramp space and operational areas such that all categories of aircraft capable of using the Airport's runways and taxiways may move or be parked safely, with appropriate access and egress, without congestion, without interference with aircraft traffic or airport activities, and in compliance with applicable local, state, or federal statutes or regulations.
- c. All such ramp space and operational areas referred to in item (b) above shall withstand the weight of all categories of aircraft capable of using the Airport's runways and taxiways and shall also permit the safe movement of aircraft on the ramp with other aircraft (parked or also moving) already in place.
- d. Line service shall be available at times specified by the Authority.
- e. Appropriate grades of aviation fuel including 100 octane low lead (100 LL) and Jet Fuel (Jet A).
- f. An adequate inventory of generally accepted grades of aviation engine oil and lubricants.
- g. All mobile or stationary fuel dispensing equipment, properly maintained, in good appearance, and meeting all applicable federal, state and city requirements for such equipment.
- h. provide or arrange for proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows and windshields and for recharging or energizing discharged aircraft batteries and starters.
- i. Safe storage and handling of fuel in conformance with all federal, state and city fire codes pertaining to safe storage and handling of fuel.
- j. Adequate towing equipment and parking area to safely and efficiently move aircraft and park and service them in all reasonably expected weather conditions.
- k. Lawful and sanitary handling and timely disposal, of all trash, waste and other materials including, but not limited to used oil, solvents and other waste. The piling and storage of crates, boxes, barrels and other containers will not be permitted within the leased premises.
- l. Adequate bonding wires installed, continuously inspected and maintained at all fueling locations, to eliminate the hazards of static electricity.

- m. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by applicable fire codes.
- n. A guest register/log of all aircraft using the airport to document airport usage.
- o. The ability to remove, or have removed, any disabled aircraft from the AOA (as soon as permitted by FAA, NTSB, State, County, and Local Police authorities).
- p. Facilities for washing and cleaning of aircraft that meet the Environmental Protection Agency, State, and Local requirements for storm water or sanitary sewer discharge as applicable.

#### **SECTION 4                      AIRCRAFT MAINTENANCE AND REPAIR**

3.4.1 Except as otherwise provided in any agreement between the FBO and the Authority, an FBO offering aircraft engine, airframe and accessory sales, maintenance and repair facilities to the public shall provide:

- a. Suitable square footage for office space, restrooms for personnel and customers, and waiting lounge. The FBO or SASO shall secure at its expense a hangar or hangar space having a minimum of 8000 square feet, and in addition, an area of ramp to tie down a minimum of all aircraft on the premises. Arrangements for automobile parking for employees and customers must also be made.
- b. In case of airframe and/or engine repairs, sufficient hangar space to house any aircraft upon which such service is being performed.
- c. Adequate enclosed shop space to house the equipment and adequate equipment and tools, jacks, lifts and testing equipment to perform overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.
- d. At least one FAA certified air frame and power plant mechanic with inspection authority for the work to be performed shall be available during normal business hours unless modified in writing by the Airport Executive Director and on call at all other times.
- e. The ability to remove, or have removed, any disabled aircraft from the AOA (as soon as permitted by FAA, NTSB, State, County, and Local Police authorities).
- f. Adequate provisions for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with federal, state and city regulations.
- g. Facilities for washing and cleaning of aircraft that meet the Environmental Protection Agency, State, and Local requirements for storm water or sanitary sewer discharge as applicable.



- e. A properly certified pilot capable of conducting flight checks of prospective renters must be available during normal business hours unless modified in writing by the Airport Executive Director.
- f. Obtain and maintain applicable insurance as required in the lease with the Authority.
- g. All rental aircraft shall be maintained in accordance with Federal Aviation Regulations.
- h. An adequate supply of properly located fire extinguishers and other precautions and/or equipment required by applicable fire codes.

## **SECTION 7**

## **FLIGHT TRAINING**

3.7.1 Except as otherwise provided in any agreement between the FBO and the Authority, a FBO conducting flight training activities, including sport aircraft flight training, shall secure at its expense:

- a. Suitable space for an office with restrooms or access to restrooms and telephone facilities. If ground school is offered, the FBO shall lease or sublease with the Authority approval an appropriate space for a class room.
- b. At least one training aircraft that:
  - (1) Has a minimum of two seats.
  - (2) Is maintained in accordance with Federal Aviation Regulations.
  - (3) Is kept in a clean and presentable manner.
  - (4) Is available for training and rental.
- c. At least one two place training and rental aircraft which complies with items b(2), (3) and (4) above.
- d. At least one full-time properly certified flight instructor available on call 8 hours a day, 7 days a week.
- e. At least one properly certified instructor providing ground school instruction sufficient to enable a student to pass the FAA written examinations for private pilot and commercial ratings.
- f. Obtain and maintain at all times and in full force liability insurance for all of the FBO's flight school activities issued by an insurance company having a current Best's rating of A- or better and having policy limits of \$1,000,000 minimum per person/claimant and \$1,000,000 minimum per incident. The flight school FBO shall

provide the Airport Executive Director prior to the commencement of any flight school activity with a Certificate of Insurance evidencing the above-described coverage. The applicable coverage shall also contain an endorsement that specifically names the Burlington Alamance Airport Authority as an additional insured and also an endorsement that provides that no such policy may be cancelled for any reason without 30 days advance written notice to the Airport's Executive Director.

- g. Adequate facilities or arrangements for storing, parking, servicing and repairing all its aircraft.
- h. Auto parking for customers and employees.

## **SECTION 8 AIRCRAFT SALES**

3.8.1 The FBO shall provide at its expense a suitable office with restrooms or access to restrooms and shall lease from the Authority or sublease with approval of the Authority an area of sufficient size to permit the storage and/or display of all aircraft for sale or used in the aircraft sales business. Provide for adequate auto parking for customers and employees. All inventory must be insured with insurance coverage acceptable to the Authority.

## **SECTION 9 PARTS AND ACCESSORIES SALES**

3.9.1 The FBO must have a lease to conduct one or more additional aeronautical services listed in this chapter, and provide suitable space for tie-down area of sufficient size to accommodate all aircraft used by the FBO in its operations and all aircraft that will be parked or stored by the operator.

## **SECTION 10 AIRCRAFT OUTSIDE STORAGE**

3.10.1 The FBO must have a lease to provide suitable space for tie-down area of sufficient size to accommodate all aircraft that will be parked or stored by the operator.

## **SECTION 11 AIRCRAFT INSIDE STORAGE, T-HANGAR**

3.11.1 A FBO shall provide a storage building of sufficient size to accommodate aircraft. The FBO may have an office in the storage building to support aircraft hangar operations. If no office is maintained, the FBO shall post in conspicuous places on the hangar facilities the name, address and telephone number of the FBO and of the person who shall be managing or operating the hangar facilities. The operator shall have an area of sufficient size to accommodate the building with proper access and construct or lease said facilities in locations stipulated in the Airport Layout Plan with specific plans approved by the Authority. Aircraft hangars will be used solely for the storage of aircraft and aviation equipment.

## **SECTION 12**

## **AVIONICS SHOP**

3.12.1 Except as otherwise provided in any agreement between the FBO and the Authority, a FBO offering avionics services to the public shall:

- a. The FBO who engages in avionics and instrument repair service business at the Airport shall lease or sub-lease, with the approval of the Authority, suitable office space for: restrooms or access to restrooms, instrument repair shop and test facilities, hangar space and, in addition, an area of ramp to tie down all aircraft being serviced. Provide for adequate auto parking for customers and employees.
- b. The repair shop facility shall be equipped with such tools, machinery, equipment, parts and supplies as are normally necessary to conduct a full time business operation in the avionics and instrument sales and repair service being offered and shall be staffed by mechanic/mechanics and other full or part-time personnel who are qualified and competent and who hold all necessary certificates required by the FAA.
- c. Have available on call on a full time basis, during normal business hours, an FAA certified technician in the field of aircraft electronics and/or aircraft instruments with proper Federal Communication Commission license to conduct complete aircraft transmitter, receiver and antenna repair.

## **SECTION 13 SPECIALIZED COMMERCIAL AERONAUTICAL SERVICES**

3.13.1 A specialized commercial aeronautical service is a person engaged in air transportation for hire for the purpose of providing the use of aircraft for the aeronautical activities listed below:

- a. Nonstop sightseeing flights.
- b. Aerial photography or survey.
- c. Fire watch and firefighting.
- d. Power line, underground cable or pipe line patrol.
- e. Aerial application of agricultural chemicals.
- f. Other operations specifically excluded from Part 135 of Federal Aviation Regulations.

3.13.2 Other specialized commercial aeronautical services which have varied requirements are:



## **SECTION 17**

## **EFFECT ON EXISTING LEASES**

3.17.1 All leases of land under written lease agreement with the Authority, at the time these Minimum Standards become effective, shall be required to comply with these Minimum Standards.

## **CHAPTER IV**

### **FAA REQUIRED LEASE PROVISIONS**

#### **SECTION 1**

#### **GENERAL**

4.1.1 Each FBO, as Lessees, shall be subject to the following provisions.:

- a. Lease Subordinate to Agreement between Lessor and the United States: All leases shall be subordinate to the provisions of any existing agreement between the Authority (Lessor) and the United States, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the expenditure of Federal funds for the development of the airport.
- b. Emergency Lease to United States:
  - 1) During times of war or national emergency, the Lessor shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and if any such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.
  - 2) All facilities of the airport developed with Federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.
- c. Public Responsibility:
  - 1) An FBO shall cooperate with the Authority and Airport management in the operation, management and control of the Airport, and shall do all things reasonably necessary to advance or promote the Airport and aeronautical activities thereon and to develop the facility into an attractive, efficient and modern airport by the provision of responsible, safe and adequate services to the public.

- 2) The FBO shall furnish all services authorized or licensed on a fair, equal, and not unjustly discriminatory basis to all users and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the aeronautical operator may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.
- 3) The FBO for itself, its personal representative, successors in interest and assignees hereby agrees that:
  - a) no person on the grounds of race, color, 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) 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, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; and
- 4) that the Lessee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, CFR, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally assisted Programs of the Department of Transportation Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.

## **CHAPTER V**

### **MISCELLANEOUS**

#### **SECTION I**

#### **SEVERABILITY**

5.1.1 In the event that any provision of these Minimum Standards shall for any reason be determined to be invalid, illegal or unenforceable in any respect, the other provisions of these Minimum Standards shall remain in full force and effect.

#### **SECTION**

#### **EFFECTIVE DATE**

5.2.1 These Minimum Standards shall be effective immediately following the date of their approval by the Authority.

Amended 4/22/2015