

ARTICLE 1.05 AIRPORT

Division 3. Municipal Airport Regulations

Sec. 1.05.061 General provisions

- (a) Introduction. This division prescribes minimum standards, rules and regulations for the conduct of commercial and noncommercial aeronautical activities at Granbury Municipal Airport (Cherry Field) and specifies certain clauses which will be included in lease/concession agreements permitting the conduct of commercial activities. The terms here shall be applied uniformly to all entities (as defined herein) operating on or desiring to operate from the above-named airport.
- (b) Applicability. These standards shall apply to all entities defined herein or as amended from time to time by the city. An entity, by operating on or from the airport, thereby consents to be bound by these standards.
- (c) Use of airport restricted. No person, partnership, firm, association, corporation or other entity, incorporated or otherwise, shall use the airport for any commercial activity, unless approved by a written permit from the city council or its duly authorized agent. Note: Individual aircraft owners may contract/hire maintenance personnel to come onto the airport for the purpose of maintaining/repairing their specific owned aircraft and may contract/hire certified flight instructors for the purpose of receiving flight instruction in their specific owned aircraft.
- (d) Noncompliance with minimum standards. Any person, corporation, or other entity who fails to comply with any provision of the minimum standards provided for in this division may, after due notice, be barred from using or operating on or from the airport.
- (e) Overriding right of owner. Any clause herein to the contrary notwithstanding, the city reserves the right to develop and make any improvement to the airport or to make any repairs to the airport or any facility thereon that it deems is in its and the flying public's best interest, and to make any change in any or all of the minimum standards or lease or rights granted, retroactively when required by the Federal Aviation Administration (FAA) for compliance with the applicable grant provisions or related governmental policies, and prospectively otherwise.
- (f) Standards and leases subordinate to agreements with state and United States. The airport was developed with aid from the state and the United States. These grants include a number of obligations and commitments to the general and flying public, to said state and to the United States. Any provision of these standards, any lease, or any practice carried out on or for the airport shall be subordinate to, and if at variance with the grant requirements, unilaterally reformable at owner's or FAA's option for conformity with these grants.
- (g) Compliance with airport plans and documents. The city and the FAA have on file a copy of the most recent FAA approved airport layout plan and airport action plan for the airport. All development and activities on and proposed leases of portions of the airport must be in conformity with these documents, and with any other applicable documents approved by the city council.
- (h) Knowledge of rules implied. By publication and adoption of this division, all persons shall be deemed to have knowledge of its contents. However, the airport manager is directed to have copies of the division printed and posted where appropriate at the airport. Individual copies shall be available at all times in the office of the city secretary located at 116 West Bridge Street, Granbury, Texas, 76048, phone number 817/573-1114.
- (i) Penalty for violation. The airport manager may deny use of the airport for a period not exceeding fifteen (15) days for any person violating or refusing to comply with any of the rules or regulations prescribed herein

pending a hearing by the city council. Upon such hearing, such person may be deprived of the further use of the airport and its facilities for a period of time as may appear necessary for the protection of life and property. Any violation of this division shall be a misdemeanor, and upon conviction, be punishable by a fine not exceeding two hundred (\$200.00) dollars, and each day a violation continues to exist shall constitute a separate offense. This subsection is cumulative of all other penalties for violation of federal, state, and local laws, rules, regulations, ordinances, and orders. Citation for violation or issuance of a violation ticket of any of the rules and regulations prescribed herein may be made by any authorized police officer.

(j) Compliance by current operators. Any entity currently operating a business on or from the airport on the date this division is enacted (5/5/02) shall have a maximum transition period of six (6) months from that date in which to meet all applicable requirements and standards of the division.

(1991 Code, sec. 1.2201)

Sec. 1.05.062 Definitions and terms explained

As used in these regulations the following terms shall have the following meanings:

Aircraft. Devices that are used or intended to be used for flight in the air including, but not limited to, powered fixed wing airplanes, gliders, helicopters, gyro-copters, airships, free balloons and ultralights.

Aircraft maintenance. The repair, alteration or inspection of aircraft.

(1) Major repairs. Major alterations to the airframe, power plant, propeller, and accessories as defined in part 43 of the Federal Aviation Regulations.

(2) Minor repairs. Routine and annual inspections, with attendant maintenance, and repair, calibration or adjustment of aircraft and their accessories.

Airport. The entirety of the Granbury Municipal Airport

Airside, or rampside. That part of the airport normally within a controlled access perimeter composed of fences and structures that is designated for the movement, parking and hangaring of aircraft. The only vehicular traffic normally permitted airside/rampside consists of emergency vehicles, law enforcement vehicles, airport official's vehicles, and private vehicles going directly to and from hangared aircraft via designated routes.

Building. The main portion of each structure, all projections or extensions therefrom and any additions or changes thereto, and shall include garages, outside platforms, docks, carports, canopies, eaves and porches.

City. As used herein shall mean the City of Granbury, Texas. Where approval, enforcement or other act on the part of the city is referred to herein, the city shall act by and through its city, unless otherwise specifically indicated.

Commercial aeronautical activity. Any commercial activity which relates to the operation of aircraft. Such activity includes, but is not limited to, charter operations, pilot training, aircraft rental, aerial sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air taxi operations, aircraft sales and service, sale of aviation petroleum products, repair and maintenance of aircraft, the sale of aircraft parts, avionics installation and repair, aircraft upholstery, aircraft painting, and aircraft storage.

Commercial operator. An entity which provides any commercial aeronautical activity to the public as a normal part of its business operations.

Entity. A person, firm, corporation or partnership, incorporated or unincorporated.

Equipment. All machinery, together with the necessary supplies, tools and apparatus necessary to the proper conduct of the activity being performed.

Exclusive rights. The power, privilege or right of excluding or debarring another from enjoying or exercising a like power, privilege, or right by other means. The granting of an exclusive right to conduct a commercial aeronautical activity on an airport developed or improved with federal funds is expressly prohibited by law.

FAA. Federal Aviation Administration.

Fixed base operator (FBO). An entity which maintains facilities at the airport for the purpose of engaging in the retail sales of aviation fuels and associated line services and may engage in one or more commercial aeronautical activities, the most common being repair and maintenance of aircraft. When there is no commercial FBO on the airport, the city will directly provide the FBO functions of retail sales of aviation fuels and associated line services, aircraft parking and tie-downs, and hangar rentals.

Groundside/streetside. That part of the airport outside the controlled access perimeter that designates the airside/rampside. Ground side activities normally include public street access, vehicular parking and pedestrian access to the terminal and airport businesses.

Improvements. All buildings, structures, and facilities including pavement, fencing, signs and landscape constructed, installed or placed on, under or above any leased area by or with the concurrence of a lessee.

Lease. A contractual agreement between the city and an entity granting a concession or otherwise authorizing the conduct of certain activities which is in writing and enforceable by law.

Noncommercial operator. An entity that provides any commercial aeronautical activity but on an individual contract basis and does not offer such services to the public as a normal part of its business operations

Operator. An entity who does business on airport property.

Permittee. Individual or entity given written permission constituting a “permit.”

Ramp or apron. A paved area suitable for aircraft parking.

Repair facility. A facility utilized for at least one or more of the following: the repair of aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such facility will be operated in accordance with pertinent FAA regulations.

Sublease. Lease granted by a lessee, with permission from the city, to another entity of all or part of the property.

Tenant. Any individual or other entity leasing land or facilities on the airport or doing business from the airport.

Tie-down. A paved ramp/apron, suitable for parking of aircraft, wherein suitable tie-down knots have been located.

(1991 Code, sec. 1.2202)

Sec. 1.05.063 Airport management

(a) City manager. The city manager is ultimately responsible for the financially sound, efficient and orderly operation and management of the airport, and for compliance with all applicable FAA, state and local requirements, including this division, as they apply to airport operations. General oversight may be delegated to a designated member of his staff. He will prepare, or have prepared, at least each quarter, a financial report clearly showing all income and expenses associated with airport operations.

(b) Airport manager. The airport manager reports directly to the city manager, or to a staff member designated by the city manager. The airport manager's responsibilities include:

- (1) The daily safe and efficient operation of the airport.
- (2) Informing the FAA and/or other applicable sources of changes that affect airport safety, operations or services via issuance of a notice to airmen (NOTAM) or other appropriate correspondence or communication.
- (3) The development, maintenance and currency of an airport emergency response plan that shall include, as a minimum, actions to take in response to an aircraft accident, overdue aircraft, or fire on airport property, and the training of airport employees as deemed necessary.
- (4) Providing of FBO type services, when offered by the city, to specifically include fuel and oil sales and associated line services, and hangar and tie-down rentals.
- (5) The supervision of all city airport employees.
- (6) The appearance and maintenance of all airport grounds and properties not leased to FBOs or commercial or noncommercial operators.
- (7) Proper use, maintenance and cleanliness of all city vehicles and equipment designated for airport use.
- (8) The safeguarding, management, accounting for, and forwarding of all funds received or expended by employees at the airport.
- (9) Compliance with all applicable FAA, state and local requirements as they apply to airport operations and operations from the airport.
- (10) Compliance with this division, and all leases associated thereto, by city employees, airport tenants, the flying public and other airport users.
- (11) Periodic inspection of tenant facilities to ensure compliance with these standards and lease agreements.
- (12) Maintaining a file for documents, for public review, pertinent to operation of this airport. It should include a copy of this division, sample leases, airport land use plan, airport action plan and other applicable documents.
- (13) Maintaining a current list of airport tenants, hangar renters, etc., to include normal and emergency contact information.
- (14) Maintaining a current hangar waiting list based on a fair and equitable assignment system.

- (15) Maintaining, in a secure manner, keys to access each enclosed T-hangar for use in an emergency or to check for an overdue aircraft.
- (16) Resolution, to the maximum extent practical, of conflicts and complaints concerning the airport and its operation and tenants, and for the forwarding to the next level of supervision those complaints he cannot resolve.
- (17) Advising the city staff and city council on airport and related matters.
- (18) Attending airport advisory board meetings, and informing and advising the board as appropriate.
- (19) Attending airport tenant meetings, and informing and advising the group as appropriate.
- (20) Keeping airport tenants and users informed of current policies, changes, issues and procedures affecting the airport.
- (21) Aggressively and continuously seek ways to improve airport services and operations.

The airport manager shall, at all times, have authority to take necessary and legal actions to safeguard any person, aircraft, equipment or property on the airport, and shall have authority to accomplish each item designated above, and elsewhere throughout this division.

(c) Granbury Municipal Airport Board. As per the city Ordinance No. 90-401 in [division 2](#) of this article and [section 1.05.035](#), powers and duties, the Granbury Municipal Airport Board's powers and duties are as follows:

- (1) To advise the city council on issues pertaining to municipal airports;
- (2) To recommend policies in operation and maintenance of municipal airports;
- (3) To assist the city council in any decisions related to municipal airports including but not limited to creation of new municipal airports, financing of municipal airports, location of municipal airports and the size and capacity of municipal airports.

(1991 Code, sec. 1.2203)

Sec. 1.05.064 General policy, rules and regulations

(a) General rules and regulations. The following rules and regulations shall be observed in the use, operation, and conduct of the airport:

- (1) Federal air traffic rules of the Federal Aviation Administration (FAA). For aircraft operated within the United States, and presently or hereafter effective, such rules are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.
- (2) Surreptitious activities. Any person observing suspicious, unauthorized or criminal activities shall report such activities immediately to the airport manager, local police, officers of the state department of public safety, or other law officers.
- (3) Wrecked aircraft. Every aircraft owner, his/her pilot, or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the airport, under the direction of the airport manager.

(4) Repairs to aircraft. No aircraft shall be repaired on any part of the landing or takeoff area. All outside repairs shall be made only at places designated by the airport manager for such purpose. Major engine, airframe, or avionics repairs shall be conducted by a properly licensed mechanic within a hangar or building rented, leased, or owned for such commercial purposes. Any preventive maintenance authorized by FAR part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased or owned by that aircraft owner or operator, or at places designated by the airport manager for such purpose.

(5) Damage to airport. Any person, individual or corporation or the owner of any aircraft causing damage of any kind to the airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefor in and to the city.

(6) Injury to person. Persons entering upon the airport groundside property by automobile, other vehicular conveyance, or pedestrian traffic (does not include person in aircraft using approved airside facilities) do so at their own risk and with no liability incurring to the city for any injury or damage to person or property. Further, any person desiring to use the airport shall observe and obey all valid laws, resolutions, orders, rules and regulations promulgated and enforced by the city or by any other authority having jurisdiction over the conduct and operation of the airport.

(7) Licensed pilots. Only properly registered aircraft and persons holding current appropriate airman and medical certificates issued by the FAA shall be authorized to operate aircraft upon the airport except as provided in this division. This limitation shall not apply to students in training under supervision of certificated flight instructors nor to public aircraft of the federal government or of a state, territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. Note: Use of the airport by ultralight aircraft shall be subject to approval by the airport manager and shall be in accordance with FAR part 13 and any other applicable rules established by the city.

(8) Registration. Each person owning an aircraft based at the airport, employed, or receiving instruction at the airport shall register at the office of the airport manager their name, address, telephone number, aircraft model, aircraft registration "N" number, and the name, address, and telephone number of their next of kin or other person to be notified in case of an accident or emergency.

(9) Intoxicants and narcotics prohibited. No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or fly in any aircraft upon or from the airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

(10) Foreign objects. No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

(b) Vehicle operations.

(1) Vehicular traffic. All vehicular traffic on the airport shall be confined to streets, roads, and avenues of passage designated and provided for that purpose and shall not be operated at a speed in excess of ten (10) miles per hour. Official vehicles only will be driven on the landing area. Such official vehicles will have a ground to air radio transceiver (portable) tuned to the local common traffic advisory frequency (CTAF) and a flashing beacon light mounted on the roof of the car or a checkered orange and white flag mounted on the front bumper of the vehicle. Special use vehicles such as police, ambulance,

hearse, or delivery van may be driven on the airside with the permission of the airport manager. An aircraft owner who rents a private hangar shall use designated routes to and from that hangar and may park his/her vehicle in that hangar while on an aircraft trip.

(2) Vehicle parking. The airport manager shall designate parking areas and “no parking” zones as needed for orderly traffic flow on airport property. Airside parking shall be restricted to only those vehicles authorized airside access, and only in approved parking areas.

(c) Tie-down of aircraft.

(1) All aircraft not hangared shall be tied down and the wheels chocked at night and during inclement weather.

(2) All aircraft owners or their agents are responsible for the tie-down or security of their aircraft at all times and particularly during inclement weather.

(3) Aircraft parked overnight on the transient apron shall pay a tie-down fee, amount set by the airport manager, for each night, except that such fee may be waived upon purchase of fuel or services.

(d) Running aircraft engines.

(1) Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.

(2) No aircraft engine shall be left running without a qualified person at the controls.

(3) No aircraft engine shall be started or run inside any building or hangar, nor under an open T-hangar.

(4) No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and people.

(e) Damage to runway lights. Any person damaging any runway or taxiway light or fixture by operation of an aircraft, or otherwise, shall immediately report such damage to the airport manager. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in [section 1.05.061](#) hereunder.

(f) Taxiing aircraft.

(1) No person shall taxi an aircraft until he/she has reasonably ascertained there will be no danger of collision with any person or object in the immediate area.

(2) Aircraft shall be taxied at a safe and prudent speed and in such manner as to be under the control of the pilot at all times.

(3) Aircraft not equipped with adequate brakes shall not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.

(4) Aircraft shall not taxi onto the runway from the ramp area or taxiway if there is an aircraft on final approach to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft

to take off or land shall remain behind the runway holding position markings. All aircraft shall visually scan for landing and takeoff traffic before taxiing onto the runway.

(5) Aircraft shall not be taxied by engine power into or out of a hangar or T-hangar, to include open T-hangars.

(g) Parking aircraft.

(1) Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, safety area, etc.) as described in FAA AC 150/5300-13 and all aircraft not hangared shall be parked in the areas designated by the airport manager for that purpose.

(2) Aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.

(3) Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the airport manager as an emergency measure.

(4) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set and/or it is properly chocked and/or tied down.

(h) Loading/unloading aircraft. Pilots are prohibited from loading or unloading aircraft with the engine running, except as stated herein.

(i) Takeoff and landing rules.

(1) Authority to suspend operations. The airport manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety, provided operations under instrument meteorological conditions may be continued by properly instrument-rated pilots following appropriate instrument flight rules.

(2) Active runway. If the winds are calm or at a ninety-degree crosswind to runway 14/32, the preferred takeoff and landing is runway 14.

(3) Direction of traffic. The traffic pattern for RW14 is right traffic, and for RW32, left traffic.

(4) Traffic pattern altitude. Traffic pattern altitude at the airport is 823 feet above ground level (AGL), which is 1600 feet above mean sea level (MSL) elevation.

(5) Clearing obstacles. No aircraft shall land or take off in such manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, or twenty-three (23) feet over a railroad, nor land or take off on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators.

(6) UNICOM. All pilots with radio-equipped aircraft shall call on the Granbury UNICOM/CTAF frequency to receive traffic advisories and to announce their position and intentions for takeoff or landing.

(7) Takeoffs on apron or taxiways. Takeoffs or landings shall not be made on the apron, parking ramp, or taxiway by any aircraft including rotary-wing or ultralight aircraft except by special permission of the airport manager.

(8) Takeoffs allowed. Touch and go landings may be made at the discretion of the pilot. Pilots remaining in the pattern making touch and go landings should broadcast on the common traffic advisory frequency (CTAF) their pattern turns and their touch and go intentions after turning final.

(9) Emergency Locator Transmitter (ELT).

(A) Prior to takeoff and after landing it is recommended that pilots tune their aircraft radios to the emergency frequency (121.5 or 243.0) and listen to determine if their aircraft's emergency locator transmitter (ELT) is broadcasting. If the ELT is transmitting, as soon as possible after turning it off, advise the Fort Worth FAA Automated Flight Service Station that your ELT accidentally turned on at the approximate time and coordinates, if known, and the time and coordinates it was turned off.

(B) If a pilot lands his/her aircraft at the airport, parks and locks or hangars his/her aircraft with the ELT transmitting and the airport manager determines such has occurred, the airport manager shall take immediate action to telephone and/or locate the pilot of the aircraft, advise him/her of the situation, and request that he/she return to the airport immediately and turn off the ELT. Should the airport manager be unable to locate the pilot or if the pilot is unable to return to the airport within a reasonable time to turn off the ELT, the airport manager, accompanied by a local peace officer, a civil air patrol officer, or an FAA representative, shall take the necessary action to turn off the ELT, provided the action does not result in damage to the aircraft. The aircraft owner shall be responsible for all charges associated with turning off the ELT.

(j) Student training and practice flying.

(1) Flight instructors shall inform students and themselves of all rules and regulations in effect at the airport.

(2) By notices posted in his/her office, the airport manager may designate limited areas of the airport and local areas approved by the FAA for practice flying and training of students.

(3) Aircraft shall not be permitted to remain on the landing or takeoff areas for the purpose of instruction when such activity would affect another aircraft flight or ground activity.

(k) Special procedures.

(1) The airport manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows, agricultural operations, gliders, ultralights, etc. Any such change from standard procedures shall be published in the FAA's Airport Facility Directory if it is of a permanent nature or the airport manager shall issue a NOTAM if such change is of a temporary nature.

(2) Parachute jumping onto the airport property shall not be permitted without the recommendations of the airport manager and the written approval of the city manager.

(3) Flying of model airplanes. Engine-powered model aircraft, cable or radio controlled, shall not be permitted to operate, take off or be launched from, flown over, flown in the terminal area of, or land at the airport, without specific permission of the airport manager.

(l) Fire regulations and applicable rules.

(1) Every person going onto the airport or using the airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.

- (2) Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.
- (3) Compressed flammable gas shall not be kept or stored upon the airport, except at such place as may be designated by the airport manager.
- (4) No flammable substance shall be used for the cleaning of any aircraft part or other thing inside a hangar, T-hangar, or other building upon the airport.
- (5) No one shall smoke or ignite a match or lighter in any building or hangar, except in posted “designated smoking areas” identified by the airport manager.
- (6) Hangar entrances shall be kept clear at all times.
- (7) The floors in all buildings shall be kept clean and free of oil. Volatile, flammable substances shall not be used for cleaning floors.
- (8) No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a privately owned, rented, or leased hangar/building, the airport manager shall notify the hangar/building owner, renter, or lessee in person or by registered letter to remove the offending litter. If, within ten (10) workdays after receipt of such notification, the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the airport manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.
- (9) Fueling safety shall be in accordance with [section 1.05.065](#).

(1991 Code, sec. 1.2204)

Sec. 1.05.065 Fueling requirement

(a) Generally.

- (1) Aircraft shall not be fueled while the engine is running, while in a hangar or other enclosed place or while occupied by any person, except that an Ag spray aircraft on a fast turnaround may be fueled and loaded with chemicals with the aircraft engine idling if the airport manager has provided written authority to the Ag operator, the pilot remains at the controls, the aircraft’s wheels are chocked, there are at least two 20B fire extinguishers within fifty (50) feet of the aircraft being serviced, and a qualified ground crew member is present during the fueling operation.
- (2) Prior to making any fueling connection to an aircraft, the fueling equipment (fuel pump, hydrant service, fuel truck) shall be bonded to the aircraft by use of a cable suitable for that purpose and approved by the local fire marshal. The bond shall be made prior to fueling and maintained until fueling is completed and fuel connections have been removed. In addition, when fueling overwing, the fueling nozzle shall be bonded with a nozzle bond cable having a clip or a male plug to a metallic component of the aircraft that is metallically connected to the aircraft fuel tank filler port or a female receptacle designed to accommodate the male plug. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the static electrical potential between the nozzle and the filler port. The nozzle spout shall be kept in contact with the filler neck until the fueling is completed. When a funnel is used in aircraft fueling, it shall be

kept in contact with the filler neck, as well as the fuel spout or the fuel supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used for fueling. Bonding and fueling connections shall be disconnected in the reverse order of connection after fueling is completed.

- (3) All aircraft shall be fueled/defueled in a well ventilated area, clear of all enclosed hangars, other buildings, and aircraft. Fueling under the open hangars is permitted.
- (4) Fueling trucks shall not be parked within any building, hangar, or within forty feet (40') of parked aircraft (the local fire marshal shall have final authority as to determining such distance). Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- (5) Aircraft fuel storage tanks for belowground or aboveground use shall be constructed and installed, registered as required, monitored for leakage, operated and maintained in accordance with federal and state statutes, rules and regulations promulgated by the Environmental Protection Agency and the state commission on environmental quality.
- (6) Aviation or auto fuels shall not be stored within a hangar or building except in small quantities and in approved containers manufactured and marked for such purpose and only with the approval of the local fire marshal.
- (7) Persons or businesses wishing to supply or dispense aviation fuel for use in their privately owned aircraft shall not be denied; however, they must meet all requirements the city places on other fuel suppliers, public or private. Private fueling facilities located on leased or private property must be installed and the fuel dispensed in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.
- (8) Public sale of automobile gas for use in aircraft will not be permitted on the airport without written approval of the airport manager. Aircraft authorized by the FAA to use auto gas may be privately fueled by the owner in a location designated by the airport manager in accordance with all rules appertaining to the aircraft fueling and fire safety contained herein.
- (9) All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel identification number, and "no smoking" signs. This information shall be printed on all sides of the fueling tanks, pumps, etc., so the information is visible from any direction on the ground.
- (10) A sufficient number, rating, and size of fire extinguishers shall be available whenever aircraft are being refueled.
- (11) Aircraft fuel service trucks shall have a minimum of two 20B fire extinguishers located at the rear of and on each side of such truck.
- (12) Aircraft fuel service trucks shall have an "emergency cutoff" valve which shall be clearly identified and painted red.
- (13) All aviation fuel nozzles shall have "dead man" controls which will shut off the fuel flow when the nozzle hand control is released. Nozzles with mechanical hold open devices will not be permitted for fueling aircraft.

(14) All aircraft fueling, fuel equipment, and procedures will be in accordance with Manual 407 “Aircraft Fuel Servicing, 1990” (or as revised) published by the National Fire Protection Association, 1 Batterymarch Park, Post Office Box 9101, Quincy, MA 02269-9101.

(b) Permit required. An FBO or self-fueling operator shall not engage in fueling operations at municipal airport without having first been issued a fueling operations permit by the city.

(c) Permit application; issuance and renewal.

(1) An applicant for issuance or renewal of a fueling operations permit shall file with the city an application for that purpose which must be signed by the applicant.

(2) When an application has been filed with the city, the city shall make an inspection of such applicant’s site, equipment, and fuel for the proposed fueling operations in order to insure compliance with all applicable laws, ordinances, or regulation.

(3) The city shall issue or renew a fueling operations permit within thirty (30) days of receipt of an application unless one or more of the following is found to be true:

(A) The applicant has failed to provide required information or has provided false information in his application.

(B) The applicant’s proposed fueling operations will violate an applicable law, ordinance, or regulation.

(C) The applicant has had a fueling operations permit revoked or suspended within the two years preceding the date of the application.

(D) The applicant has failed to meet the minimum requirements of these regulations.

(d) Permit display required. A permittee shall display a fueling operations permit issued by the city in a conspicuous place on the permittee’s premises at all times.

(e) Fueling requirements for FBO only.

(1) The FBO shall demonstrate that satisfactory arrangements have been made with a recognized aviation petroleum distributor for the delivery of fuel and oil in such quantities as are necessary to meet the requirements set forth herein. Aviation fuel and oil delivered to the operator by a vendor will be considered by the city to be fuel and oil dispensed by the FBO under the purview of the minimum rates established in the agreement with the city.

(2) Fueling and into-plane delivery of aviation fuels shall be provided by the FBO seven days a week. Hours of availability, type and amount of fuel available and type of dispensing equipment shall be as agreed by the city and the FBO and shall be so specified in the lease agreement.

(3) All into-plane delivery of fuels shall be performed only on airport premises unless written permission is granted by the other property owner and the city. The FBO may deliver fuel to approved off-premises airport access areas, subject to this section, and authorization by the manager of the off-premises access area.

(f) Fueling requirements for both FBO and self-fueling operators.

- (1) Only approved FBOs may sell aviation fuel to the general public.
- (2) Public dispensing service by a self-fueling operator is prohibited. A permittee for self-fueling operations shall not dispense aircraft fuel to another airport user. Dispensing aircraft fuel under the authority of this permit is limited to permittee's own use in aircraft owned by permittee, aircraft leased for permittee's exclusive use, aircraft being repaired by permittee to the extent the repairs require the dispensing of fuel, or aircraft managed by the permittee and based at the permittee's off-airport access area. Self-fueling is only permitted within the confines of said privately owned access area adjacent to the airport.
- (3) FBO's and self-fueling operator shall pay the city fuel flowage fees in an amount specified in their respective leases. Such fuel flowage fees shall normally increase the month following each fifth (5th) anniversary of the lease.
- (4) The following requirements regarding fueling facilities and equipment are applicable to both FBO's and self-fueling operators:
 - (A) Fuel storage locations.
 - (i) All fuel storage locations shall be designated by the city and provided on the approved airport layout plan;
 - (ii) Individual tank sites shall be leased by the city to either FBOs or self-fueling operators subject to availability and compliance with all airport and fueling regulations and EPA standards; and
 - (iii) An off-airport user having a minimum of 40 acres in its off-airport parcel may apply to the city for a fuel storage location on such parcel subject to all airport/fueling regulations, other city, state or federal regulations relating to fueling, and zoning and site plan approval.
 - (B) A fuel storage tank for each type of fuel stored shall be installed above ground by a permittee in a location approved by the city. The minimum capacity of each tank shall be 10,000 gallons.
 - (C) Notwithstanding the preceding paragraph, a permittee shall be allowed to use either fixed, aboveground, dispensing equipment or mobile dispensing trucks.
 - (D) For each type of fuel dispensed, a permittee shall have separate, filter equipped dispensing pumps and meters.
 - (E) If a permittee uses mobile dispensing trucks, the permittee shall have at least one truck for each type of fuel used, with appropriate filters.
 - (F) A permittee shall obtain the written approval of the city prior to construction or installation of any improvement on permittee's leased premises.
 - (G) A permittee shall maintain all fueling facilities in a safe and clean condition, equal in appearance and character to other similar airport improvements.
 - (H) A permittee shall promptly repair any damage caused by permittee, or permittee's employees, agents, patrons and guests.

(I) A permittee shall replace any fueling facility improvement on its leased premises which has been destroyed by fire, explosion, weather conditions or disaster within six months of such destruction.

(J) Upon written notice a permittee shall perform any reasonable facility maintenance the city determines is necessary. If a permittee fails to undertake such maintenance within ten (10) days of receipt of written notice, the city may perform the maintenance and/or revoke or suspend the permit. If maintenance is performed by the city, the permittee shall reimburse the city for the cost of the maintenance performed.

(K) A permittee shall require any prime contractor it hires for construction of a permanent improvement to provide performance and payment bonds acceptable to the city in the full amount of the construction contract, for all contracts in excess of \$50,000, naming the permittee and the city as joint obligees.

(5) Records and monthly reports.

(A) A permittee shall maintain accurate records of all fuel delivered and dispensed and shall allow the city or designee to inspect its records at any time.

(B) A permittee shall, each month, submit to the city a report of fuel dispensed.

(C) A permittee shall, each month, submit to the city a copy of the original report received from the permittee's supplier(s) showing the amount of fuel delivered.

(D) An applicant for a permit to conduct self-fueling operations shall submit to the city the registration numbers of all aircraft owned, leased or managed under a management contract to be fueled. Upon receipt of a permit to dispense fuel, the permittee shall submit to the city a report of fuel dispensed by aircraft registration number.

(6) Audit. A permittee shall allow its records of fueling operations to be audited at any time, either by a representative of the city or by an independent certified public accountant selected by the city.

(7) Cancellation by permittee. A permittee may cancel its fueling operations permit upon thirty (30) days' written notice to the city.

(8) Assignment and transfer prohibited. A fueling operations permit is not assignable or transferable.

(9) Revocation or suspension of permit. The city may revoke or suspend a fueling operations permit if it is determined that:

(A) The permittee has violated any provision of these regulations and has not made needed corrections in a timely manner as directed by the city;

(B) The permittee has given false or misleading information to the city during the application process;

(C) The permittee has intentionally or knowingly impeded a lawful inspection by the city or other person authorized to inspect the fueling operations; or

(D) The permittee has, within a twelve-month period, committed two or more violations of these regulations and has failed to make needed corrections in a timely manner as directed by the city.

(1991 Code, sec. 1.2205)

Sec. 1.05.066 Fixed based operator (FBO)

(a) The city, through a city-employed airport manager, shall retain a proprietary right to offer and shall provide the following FBO services:

- (1) Sale of aviation fuel and oil;
- (2) Normal line services to include tie-downs and hangaring of transient aircraft;
- (3) Aircraft storage to include open tie-downs, covered T-hangars, enclosed T-hangars, and the large city-owned hangar, if not otherwise leased. Exception: A commercial operator may lease excess open tie-down space or hangar space to another commercial or noncommercial operator for those aircraft used in such operations;
- (4) Terminal space for pilots and passengers to include public restrooms, telephones and flight planning facilities.

(b) The city shall also provide a courtesy vehicle for airport employee requirements and transient pilot short-term use.

(c) The city council shall have the future option of contracting any or all of the above services to one or more commercial operators or FBOs. Should such an option be selected, specific lease agreements shall be developed. Other normal FBO services may be performed by commercial operators.

(1991 Code, sec. 1.2206)

Sec. 1.05.067 Commercial operators

With city approval, a commercial operator is authorized to offer or perform any or all of the following services or functions to or for the public. Each commercial operator, through construction or lease from the city, FBO or other commercial operator, must provide sufficient and adequate heated, cooled and ventilated office space to accommodate his/her business activities, employees, clients and customers. Such space shall include restroom(s), lounge area and telephone access. Paved vehicle parking for all employees, customers and clients shall be provided. Adequate taxiway access, tie-downs and/or hangar space must be provided to accommodate aircraft needs. When required by the FAA, trained, qualified and certified personnel must perform designated functions. When required by the service provided, approved and properly certified aircraft, and passenger loading/unloading areas must be available.

- (1) Airframe and power plant maintenance and repair.
- (2) Sales of aircraft parts, components and accessories.
- (3) Avionics, sales, installation and repair.
- (4) Aircraft upholstery.

- (5) Aircraft painting.
- (6) Aircraft sales.
- (7) Aircraft rental.
- (8) Flight and ground instruction.
- (9) Air taxi and charter.
- (10) Sales of pilot materials.
- (11) A for-profit flying club.
- (12) Agricultural (Ag) spraying operation: A qualified pilot, aircraft designed for such purpose, qualified ground personnel on duty to properly handle dangerous chemicals, a secure area to store chemicals, and a properly designed and constructed wash down pad must be available for each agricultural operation. Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the airport manager and made known to all persons conducting agricultural spraying operations. Said operations shall be conducted only on the designated airport areas, and shall not include reckless flying or careless chemical handling. Chemicals used in agricultural operations shall be dispensed, maintained, and stored and the dispensing area shall be cleaned with all empty chemical containers stored and promptly disposed of in accordance with the label direction. Washing of Ag aircraft and flushing of Ag aircraft spray tanks or hoppers will be accomplished in accordance with the standards of the Environmental Protection Agency and the state commission on environmental quality in an area so designated by the airport manager. Each Ag operator shall carry liability insurance in the amount of \$100,000.00 per person, \$300,000.00 total with \$1,000,000.00 property damages, payable to the city for the cleanup of any hazardous chemical spills on airport property caused by the Ag operator. Ag aircraft operators shall not exceed the maximum gross hopper weight stamped on the Ag aircraft's hopper by the aircraft manufacturer or listed in the aircraft's specifications. Ag aircraft shall not take off or land on any surface except the runway, nor take off or land downwind. Takeoff and landing procedure in accordance with section 1.05.064(i), "takeoff and landing rules" contained herein will be observed at all times. Note: Because of the hazard of such agricultural spraying operations, the city council may require each agricultural spray operator to post a bond, the amount to be determined by the city council considering the financial risk to which the city could be exposed by an Ag operator accident resulting in environmental damage.
- (13) Other, as agreed on by contract.

(1991 Code, sec. 1.2207)

Sec. 1.05.068 Noncommercial operators

An entity that provides any commercial aeronautical activity on an individual contract basis, but does not offer such services to the public, or engages in any other aviation related activity, is considered a noncommercial operator. Lease requirements, construction requirements, and facilities/space/amenities requirements are the same as for commercial operators. (1991 Code, sec. 1.2208)

Sec. 1.05.069 Aviation organizations and nonprofit flying clubs

It is the policy of the city to encourage use of the airport by aviation organizations and to promote aviation-related activities to the maximum extent practical. The only normal reason for denying such use shall be lack of adequate facilities or an adverse impact on safety. The airport manager will make every reasonable effort to accommodate such requests, to include nonprofit flying clubs. A letter of authorization/agreement between the airport manager and requesting entity, defining the conditions and restrictions agreed to, shall be accomplished. For the purpose of this section, a for-profit flying club will be considered a commercial operator. (1991 Code, sec. 1.2209)

Sec. 1.05.070 Construction requirements and standards

(a) Compliance. All construction must be authorized by the city and must be of a compatible standard capable of withstanding winds of 85 mph, with doors open or closed. Furthermore, all structures must comply with any and all city codes, any applicable airport compatible land use or zoning ordinances, and any approved airport layout plan, airport action plan, or airport master plan.

(b) Policy.

- (1) All construction on airport property will be of high quality, architecturally homogenous and provide adequate space to accommodate its stated purpose/business.
- (2) Any building constructed that has, or potentially has, access to the ramp/taxiway structure shall be hangar-type construction large enough to accommodate aircraft storage or workspace.
- (3) Construction will not encroach on or penetrate any designated clear zones established to enhance the safe and orderly flow of air traffic.
- (4) All ramp and taxiway construction shall meet FAA standards.
- (5) Integrity of the airport perimeter security fence shall be maintained. Fence section(s) may be removed to allow streetside access to buildings, but remaining fence must be rerouted to connect to (or be immediately adjacent to) the building corners. Gates or other access through fences are not authorized without specific city approval. If so approved, they shall be locked at all times when not in use.

(c) Procedures. Prior to contracting for or beginning construction, all proposed improvements, including the following specifics, will be submitted to the city:

- (1) Building plans (blueprint or similar documents);
- (2) A blue line drawing of the leased property showing location of all proposed structures to include finished floor elevations, ramp, aprons, and vehicle parking areas;
- (3) Aircraft ramp and taxiway access plan;
- (4) Vehicle access and parking plan;
- (5) Landscaping of leased property not used by 1 through 3 above;
- (6) Signs/advertising desires;
- (7) Any other unique requirements/proposals the airport board or council requires.

The airport board shall make recommendations on each proposal, and forward it to the city staff for review and city council approval. No lease shall be entered into, nor implied, until this approval is obtained.

(d) General standards.

- (1) Each leased site, to include building location, shall be marked by a certified surveyor. Cost of the survey shall be paid by lessee. A blue line drawing shall be presented to the city.
- (2) While it is recognized that floor elevations must be elevated to a certain level to prevent water entry into each business, site preparation will take into consideration the overall airport area drainage requirement. Construction of any structure, ramp or parking area must not cause drainage problems in adjacent areas.
- (3) Foundation for all structures shall be a concrete slab. Vehicle parking space, aircraft ramp space and taxiways may be concrete or asphalt construction.
- (4) Hangars/buildings shall be bolt-together, metal construction, structurally engineered. Plans and specs shall be stamped and signed by an authorized, certified engineer.
- (5) Exterior shall be baked on, prefinished color, compatible with overall airport architectural schemes.
- (6) Exterior lean-tos must match attached hangar/building decor.
- (7) Each building shall include designated office/reception space large enough to accommodate all anticipated clients, customers and employees. This space must be air-conditioned, heated and properly ventilated.
- (8) Each building must have adequate toilet facilities to accommodate all anticipated clients, customers and employees. This space must be air-conditioned, heated and properly ventilated.
- (9) Streetside paved parking spaces shall be provided for all anticipated employees, clients and customers.
- (10) Minimum paved ramp space on the airport side of each hangar shall be 50' x the width of the hangar. FAA construction standards must be met.
- (11) All ramps shall contain appropriately located aircraft tie-down anchor points.
- (12) Route entry of vehicles into/out of the hangar/building shall be from streetside only. If such capability is needed or anticipated, a drive-through (garage-type) door must be included in construction plans.
- (13) Vehicle/truck loading and unloading shall be from streetside only. If this capability is needed or anticipated, appropriate doors, docks, etc., must be included in construction plans.
- (14) Each building shall be constructed to accommodate hookups for water, sewer, electricity and telephone services.
- (15) Access taxiways must be paved and at least 30' wide, and meet FAA construction standards.

(16) Signs and advertising: One sign (with company name/logo) shall be permitted on street side of hangar/building and one on ramp side. Maximum size (horizontal) is 1' per 2 linear feet of the building frontage, and must be proportionate with size of building. Each sign must be attached to the building, above the entries and below the roofline. No pole signs are allowed. Common small, information and directional signs are permitted, as long as they are attached to the building. No sign advertising any business other than the one(s) located in the respective building/hangar is permitted.

(17) All contractors shall be registered, licensed (when applicable), and bonded with the city.

(1991 Code, sec. 1.2210)

Sec. 1.05.071 Leases

(a) Generally. Hangars and other buildings or structures owned by the city may be leased to private entities on a monthly or yearly basis for the storage of aircraft and ancillary aircraft equipment, or for a longer term to conduct activities approved by this division.

(b) Private aircraft storage lease. Terms and rates for hangaring and open tie-down storage of privately owned aircraft shall be developed and maintained, and shall comply with conditions set forth in this division. Lease terms and rates shall be reviewed annually by the airport board, and any recommended changes forwarded to the city council for approval. All persons desiring to long-term (more than one month) base/store their aircraft on the municipal airport shall enter into such a lease with the city.

(c) Aviation organizations and nonprofit flying clubs. Those organizations desiring to operate temporarily or long-term under section 1.05.069 of this division may do so by entering into a letter of agreement with the airport manager. If lease or construction of a facility or aircraft storage is requested, the appropriate lease must be executed.

(d) Entities (e.g., FBO, commercial operator) conducting business from city-owned facilities. A specific lease shall be developed defining terms as agreed between city and the requesting entity. Terms of the lease(s) shall not be contrary to other requirements of this division.

(e) Lease of airport real estate. The city may lease real estate within the building area or other portions of the airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved airport action plan/airport layout plan. Aviation-related use shall be given priority in the use of all leased or privately owned property, buildings, or structures. Application for all airport leases shall be made through the airport board to the city council.

(1) Normally, no leases will be written for a primary period in excess of twenty-five (25) years.

(2) Any privately owned structure or hangar not in use for aviation purposes for a period in excess of ninety (90) days or not available for lease or sublease for aviation purposes, unless so authorized for nonaviation use by the city council, must be removed after due notice to the owner in writing or the city council will consider such structures or hangars abandoned.

(3) Leased land from which any building, hangar, or structure is removed, after due notice or expiration of the lease, shall be cleared, cleaned, and put back in its original or acceptable condition at lessee's expense.

(4) Leased property on the airport may be subleased by the lessee only with written approval of the city council.

(5) No hangar or structure may be erected within a building restriction lien or in conflict with the approved airport layout plan.

(f) Application. Applications to perform commercial aeronautical activities shall be in writing and be filed with the city, which must approve them, and shall include the following information:

- (1) Name and address;
- (2) Proposed date for commencement of operations;
- (3) Services to be offered;
- (4) Amount, size, location of land to be leased;
- (5) Description of buildings and improvements to be constructed or leased;
- (6) Number of aircraft to be employed;
- (7) Hours of proposed operation;
- (8) Number and types of insurance coverages to be maintained, including certificate(s) of insurance evidencing insurance coverage as required by city;
- (9) Evidence of financial responsibility from a bank or from such other source that may be readily verified through normal banking channels;
- (10) Evidence of financial capabilities to initiate operations and for the construction of buildings, improvements and appurtenances and the ability to provide working capital to carry on the contemplated operation, once initiated;
- (11) Statement of past experience in the specified aviation services proposed to be provided at the airport together with a statement setting forth personnel to be used for the operations and experience data of said personnel;
- (12) Number of employees.

(g) Written contract. Prior to the commencement of operation, the operator will be required to enter into a contract with the city that will recite the terms and conditions under which the operator will operate a business on the airport, including, but not limited to, detailed contract terms, conditions, rentals, fees, charges and the rights and obligations of the respective parties. Neither the conditions therein stated, nor those set forth in these minimum standards, represent a complete recitation of the provisions to be included in the written contract. Such contract provisions, however, will neither change or modify the minimum standards, nor be inconsistent therewith.

(h) Technical and financial ability. The operator shall satisfy the city that it is technically and financially able to perform the services of the requested commercial activity. This shall include the responsibility for demonstrating continued financial solvency and business ability by the submitting of an annual balance sheet, credit references and any other proof that the city may require from time to time including, but not limited to, proof of revision of insurance requirements and adjustment of insurance coverages and their limits when deemed necessary by the city based upon changes in statutory law, court decisions, or the claims history of the industry as well as contractor.

(i) Accommodations. Shall be as defined in [section 1.05.070](#).

(j) Buildings and structures standards. No person may construct, allow, or maintain any structure or shelter, either permanent or temporary, unless specifically authorized by the city. Additionally, the operator will be responsible for submitting FAA documents to the city for approval and processing prior to construction. Title to any and all buildings and appurtenances which may be built on city property shall vest in the city upon completion of construction. All operators shall be required to furnish the city payment and performance bonds commensurate with any construction required under the standards herein fixed or under any contract or lease by and between such operator and the city.

(k) Responsibilities.

(1) All operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed onto the premises by them, as well as all taxes and assessments against the personal property used by them in their operations.

(2) All operators shall abide by and comply with all federal, state, county, and city laws and ordinances, including, but not limited to, the rules and regulations of the municipal airport, the state and Federal Aviation Administration.

(l) Sublease.

(1) No operators shall sublease or sublet any premises leased by such operator from the city, or assign any such lease, without the prior written notification to the city, and any such subletting or assignment shall be subject to all the minimum standards herein set forth.

(2) In the event the lessee sublets any portion of the lease, the sublessee must agree to assume the full obligations of the lease as set out herein and must agree to fully cooperate with the city to insure compliance with these standards. The sublessee shall immediately comply with any reasonable request or direction of the city as it relates to the enforcement of these standards.

(3) A commercial operator subleasing its commercial area from an FBO or city may use the FBO's or city's facility to meet the requirements for office space, customer lounges, restrooms, telephones and paved aircraft apron as set forth in this division.

(m) Price and rates.

(1) In the provision of services to the users of the airport, lessees shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service. In furtherance of this objective, a list of charges will be maintained and available for inspection by the public for all services, materials, supplies, and privileges provided by the lessee and any lessee tenant. However, lessees, and any airport tenants, may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

Lessees shall, from time to time, as the need arises, make and publish changes in the prices being charged; provided, however, fifteen (15) days prior to any such changes, lessees shall provide to the city a list of such charges. If no objection by the city to such changes in prices is received within fifteen (15) days, the price changes shall become effective. The city may object to any changes in prices within the fifteen-day period; provided, however, the only basis for such objection by the city will be on the grounds that such pricing change would constitute a violation of a present or future grant agreement with the Federal Aviation Administration

(2) An operator shall not engage in any business or activity on the airport other than that authorized under the operator's particular category or categories. An operator desiring to extend operations by expansion or sublease into more than one category or to discontinue operations in a category shall first apply in writing to the city for permission to do so, setting forth in detail the reasons and conditions for the request. The city shall then grant or deny the request on such terms and conditions as the city deems to be prudent and proper circumstances.

(n) Airport obstructions; development; inspections.

(1) The city reserves the right to take any actions it considers necessary to protect the aerial approaches to the airport against obstructions, together with the right to prevent any operator from erecting or permitting to be erected any building, sign, or other structure on the airport which, in the opinion of the city, would limit the usefulness of the airport or constitute a hazard to aircraft, or has not been approved by FAA.

(2) The city reserves the right to further develop or improve all areas of the airport as it sees fit, and without interference or hindrance from any operators.

(3) The city reserves the right to enter upon any premises to operators at reasonable times for the purpose of making such inspections as it may deem expedient, to the proper enforcement of these minimum standards and for the proper enforcement of any covenant or condition of any operator's contract or lease agreement.

(o) Fees.

(1) The operator shall pay the standard fees as specified by the city. Such fees shall be specifically included in the contract executed with the city.

(2) Any concession activity conducted on the leased premises shall similarly be subject to the standard rates and charges set forth in this division.

(p) Personnel.

(1) The operator shall have in his employ and on duty during operating hours trained personnel in such numbers as are required to meet the minimum standards and requirements set forth herein, in an efficient manner, for each aeronautical service being performed. The operator shall also provide a responsible person on the premises to supervise the operations in the leased area and with authorization to represent and act for an on behalf of the operator during all business hours.

(2) All personnel hereafter are required to hold FAA certificates as they are required.

(q) Maintenance. The operator shall keep and maintain leased premises in a neat and orderly manner. The operator shall maintain the pavement constructed by the operator. The maintenance of the interior and exterior of the building, utility costs, and trash removal shall be the operator's responsibility. Grass mowing and landscape maintenance within the operator's leased premises shall be the operator's responsibility.

(r) Insurance.

(1) The operator shall procure, maintain and pay premiums during the term of his contract, for insurance of the types and the minimum limits set forth in attachment I of the minimum standards for the respective categories for aeronautical services. The insurance company writing the required policy or

policies, shall be licensed to do business in the state. Appropriate certificate(s) of insurance shall be forwarded to city's airport manager. Furthermore, city reserves the right to review insurance requirements and to adjust insurance coverage and their limits when deemed necessary by the airport manager based upon changes in statutory law, court decisions, or the claims history of the industry as well as the operator.

(2) When more than one aeronautical service is proposed, the minimum limits will not necessarily be cumulative in all instances.

(3) All insurance which the operator is required to carry shall include coverage of:

- (A) Premises and operations;
- (B) Independent contractors and their subcontractors;
- (C) Real property (fire);
- (D) Personal injury;
- (E) Contractual liability;
- (F) Worker's compensation employer's liability;
- (G) Comprehensive automobile liability, of \$300,000, combined single limit; and
- (H) Product/completed operations coverage.

In addition, the city is to be named as an additional insured, supplied with a policy copy, and the policy shall have a 60-day notice of cancellation in favor of the city. It is further understood that as circumstances in the future dictate, the city may require an increase in bodily injury and property damage insurance.

(4) The applicable insurance coverage shall be in force during the period of any construction of the operator's facilities and/or prior to his entry upon the airport for the conduct of his business.

(s) Lease terms. Beginning with the effective date of adoption of these minimum standards (May 5, 2002), primary terms of leases. Operators shall be limited to a maximum of twenty-five (25) years and not less than three (3) years. In addition, leases shall, at the discretion of the city, be subject to review and reevaluation at the end of each five-year period thereof, in relation to the fair market rate.

(t) Exclusive rights. No person may be granted in fact or by written instrument any exclusive right prohibited by section 303(a) of the Federal Aviation Act of 1958. Determination of the existence of a prohibited exclusive right shall in the final analysis be made by the Federal Aviation Administration (FAA), and such determination shall be final. If FAA determines any provision of a written instrument or a practice in fact constitutes a grant of a prohibitive exclusive right, such provision or grant shall be deemed null and void for all purposes.

(u) Lease charges; escalation clauses; terms. All unimproved airport land shall be leased at the rate specified in each lease agreement. The term of each lease for use of unimproved airport property shall contain an automatic escalation clause requiring adjustment of lease charges on the fifth anniversary of the initial lease and each lease shall be adjusted at the end of each five (5) years thereafter to charges as may be then be established, provided that such per square foot rental shall be comparable to the rental charged lessees of similar facilities at

similar airports in the surrounding area. Such lease charges shall be escalated by not less than the cumulative increase (since last adjusted) in the latest consumer price index as published by the Bureau of Labor Statistics or such index and/or agency as may replace the CPI or BLS prior to lease anniversary each five (5) years thereafter.

(v) Leases/operating rights nontransferable. Except to the extent needed for a mortgagee to protect its legitimate interest in a leasehold and improvement thereon, land areas and/or facilities used or needed shall be held pursuant to lease only and shall not be transferable unless authorized in writing by the city council

(w) Airport hangar fees. The following fee structure for leasing T-hangars and corner hangars at the airport is hereby established:

- (1) Each T-hangar per month, \$200.00.
- (2) Each corner hangar per month, \$250.00.

(1991 Code, sec. 1.2211)