St. Mary's County Regional Airport

Minimum Standards
for
FBOs Providing Aeronautical Services to the Public

Established by the
St. Mary's Board of County Commissioners
for St. Mary's County, Maryland

Adopted by the St. Mary's Board of County Commissioners: August 16, 1994

Updated December 2009 from MAA review

Updated September 27, 2013for review by AAC, MAA, FAA and County Attorney

TABLE OF CONTENTS

		PAGE
INTRODUCTION		
SECTION 1.	**GENERAL PROVISIONS**	
A.	Purpose and Policy	3
B.	Definitions and Abbreviations	3
C.	Leasing Terms for County-Owned Land	6
D.	Off-Airport Aeronautical Businesses	7
SECTION II.	**BUSIESS ACTIVITIES**	
A.	Guidelines	8
B.	Operating Agreement/Lease	9
C.	Qualifications	9
D.	Action on Application	10
E.	Fixed Based Operators (FBOs)	10
F.	Minimum Qualifications	11
G.	Specific Requirements	18
H.	Waiver of Minimum Standards Provisions	20
SECTION III.	**LEASE AND PERMIT PROVISIONS**	
A.	Termination	20
B.	Inspection and Maintenance	21
C.	Subleasing/Sale of Lease	21
D.	FAA Required Lease Provisions	22
E.	Effect on Existing Leases	22
REFERENCES		23
EXHIBITS		
A.	Development Review Procedures	
B.	General Permit Application	
C.	Self-Fueling Permit Application	
D.	Special Event Permit Application	
E.	Maintenance and Repair Permit Application	

DRAFT

SECTION 1. GENERAL PROVISIONS

A. PURPOSE & POLICY

The airport sponsor of a federally obligated airport ("County") agrees to make available opportunity to engage in commercial aeronautical activities by persons, firms, or corporations that meet reasonable minimum standards established by the County. The minimum standards as outlined herein are intended to provide threshold entry requirements for those persons wishing to provide aeronautical services to the public at the St. Mary's County Airport, and to do so in such manner as to insure the safety of its users and allow fair competition for those who choose to operate commercial aeronautical activities on the premises. These minimum standards are intended to be reasonable, non-arbitrary and non-discriminatory; and, therefore, apply equally to everyone providing aeronautical services to the public on the Airport.

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

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

The Airport Manager or designee reserves the right to change these Minimum Standards at its discretion. All entities affected by such changes will have an opportunity to comment on proposed changes and will be appraised of dates of implementation of such changes.

B. DEFINITIONS AND ABBREVIATIONS

1. Aeronautical Activity means any activity commonly conducted at airports 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. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aerial photography, aerial application, aerial advertising, aerial surveying, air carrier operations, skydiving, ultra-light operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.
2. Aeronautical Service means 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

DRAFT

operations commonly conducted on the Airport by a person who has a lease or permit from the County to provide such service or a permit, issued by the airport manager to provide such service.

3. Aircraft, or aircraft, means a device which is used or intended to be used for flight in air. Examples of aircraft include, but are not limited to, airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter, or auto gyro), balloon and blimp.
4. Airport means the St. Mary's County Airport and all of the property, buildings, facilities and improvements within the boundaries of said Airport as it presently exists or as it may hereinafter be extended, enlarged, or modified.
5. AGL means altitude expressed in feet measured above ground level.
6. ALD means the Airport Layout Drawing for the St. Mary's County Airport that is current at the time and approved by the FAA, as the same may be revised from time to time.
7. Airport Operations Area, or AOA, means the area of the Airport used or intended to be used for landing and takeoff, or the surface maneuvering of aircraft, including the associated hangars and navigation and communication facilities.
8. Airport Manager means the County Commissioners or any other person designated by the County Commissioners.
9. Airport Security Program (ASP), means the adopted operational guidelines and procedures promulgated by the County to enhance the safety and security of the Airport.
10. Automated Surface Observing System, or ASOS, means the primary surface weather observing system of the United States.
11. Automated Weather Observing System, or AWOS, means a system to automatically observe and report on the certain meteorological conditions where the system is installed.
12. County means St. Mary's County, Maryland acting by or through the St. Mary's County Commissioners or any duly authorized employee, agent or instrumentality of St. Mary's County, Maryland.
13. County Commissioners means the St. Mary's Board of County Commissioners, as owner and operator of the St. Mary's County Airport.
14. Development Review Procedures, means the established written procedures promulgated by the County for the evaluation and review of development and building construction proposals at the Airport.
15. FAA means the Federal Aviation Administration and its successors.
16. FAR means the Federal Aviation Regulations as published and amended from time to time.
17. Fixed Based Operator, or FBO, means any individual, firm or corporation duly licensed and authorized by written agreement with the County to operate, under strict compliance with such agreement and pursuant to these Rules and standards, to offer aeronautical services to the public at the Airport as a tenant or sub-tenant.
18. FBO Lease means any lease agreement between the County and a Person leasing property at the Airport; or a sub-lease agreement approved by the County between any FBO at the Airport and any person sub-leasing property at the Airport; in either case, for the purpose of providing Aeronautical Services at the Airport.
19. FSDO means FAA Flight Standards District Office.
20. Flying Quiet Program means a voluntary aircraft noise program adopted by the County to minimize the effect of aircraft noise on neighboring communities. Should be fly quiet?
21. Hazardous Material means any hazardous or toxic substance, waste or material:

    a. The presence of which requires investigation, removal, and/or remediation under any federal, state or local statute, regulation, ordinance, order, action, policy or common law;
    b. Which is or becomes subject to regulation under any federal, state, or local statute, regulation, rule or ordinance or amendments thereto including without limitation, the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., the Toxic

DRAFT

Substances Control Act, 15 U.S.C. § 2601, et seq., and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C., § 9601 et seq.;

c. Which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, teratogenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board, agency, or instrumentality or the United States, the State of Maryland or any political subdivision thereof; or

d. Which, without limitation, contains trichloroethene ("TCE"), 1,1,1 – trichloroethane ("TCE"), 1,1 – dichloroethene ("DCE"), tetrachloroethene ("PCE"), 1,2 – dicholoroethene, chloroform, gasoline, diesel fuel, propane or other petroleum hydrocarbons, polychlorinated biphenyls ("PCBs"), asbestos, urea formaldehyde foam insulation or radon gas.

22. IFR means Instrument Flight Rules which govern the procedures for conducting instrument flight.
23. IMC means Instrument Meteorological Conditions expressed in terms of visibility distance from clouds and ceiling less than the minima specified for visual meteorological conditions.
24. Landside means all buildings and surfaces used by surface vehicular and pedestrian traffic at the Airport.
25. MAA means the Maryland Aviation Administration and its successors.
26. Maryland Code means the Annotated Code of Maryland and any related regulations, as amended from time to time.
27. Maryland Rules mean the Maryland Rules of the Annotated Code of Maryland, as amended from time to time.
28. Minimum Standards means the standards, which are established by the County, as amended from time to time, as the minimum requirements to be met by a tenant, sub-tenant, or proposed tenant as a condition for the right to provide aeronautical services to the public at the Airport.
29. MSL means altitude expressed in feet measured from Mean Sea Level.
30. NFPA means National Fire Protection Association.
31. Normal Business Hours means 8:00 a.m. to 6:00 p.m., Monday through Friday.
32. NOTAM means a "Notice to Airmen" published by the FAA. (A method of notifying the flying public of conditions at the Airport that may affect flight.)
33. NTSB means the National Transportation Safety Board and its successors.
34. Owner means the St. Mary's Board of County Commissioners.
35. Permit means a permit issued pursuant to the Airport Rules.
36. Permit Holder means a person to whom a permit has been issued pursuant to the Airport Rules.
37. Person means an individual, firm, partnership, corporation, company, association, or other legal entity.
38. Rules means the policies, procedures, and regulations which are established and amended from time to time by the County, to govern the safe, orderly and efficient use of the airport.
39. Shall whenever utilized in these Minimum Standards, the word "shall" is always mandatory and not merely directory.
40. Skydiver means a person who descends to the surface from an aircraft in flight when such person intends to use, or uses, a parachute during all or part of the descent.
41. Skydiving means any activity which furthers, assists, engages in, promotes, or relates to parachute jumps ("parachute jumper" as defined by FAR 105.1(b)), including, but not limited to, training, maintenance, sales and airlift activities.
42. Special Event, or special event, means an Aeronautical Activity of limited scope or duration, which will not comply with these Rules; or which although it may comply with these Rules, will require an accommodation by other users of the Airport. Special

DRAFT

events include, but are not limited to, fly-ins, skydiving exhibitions, balloon operations, or similar events or activities.

43. Through-the Fence-Operations means those activities permitted by the County through an agreement that permits access to the public landing area to independent entities or operators offering an aeronautical activity or to owners of aircraft based on land adjacent to, but not a part of the airport property.
44. Transient means any person participating in an Aeronautical Activity at the Airport from or on an aircraft not based at the Airport.
45. Unicom means a non-governmental communication facility, which may provide airport information at certain airports. Locations and frequencies are shown on aeronautical charts and publications.
46. VFR means Visual Flight Rules which govern the procedures for conducting flight under visual conditions as described in FAR Part 91.
47. VMC means Visual Meteorological Conditions expressed in terms of visibility, distance from cloud, and ceiling equal to or better than specified minima.
48. WADO means the FAA Washington Airports District Office.
49. Waiver Agreement means the agreement for the benefit of the County Commissioners described in the Airport Rules entered into by any person participating in an Aeronautical Activity at the Airport.

C. LEASING TERMS FOR COUNTY-OWNED LAND AT THE ST. MARY'S COUNTY AIRPORT

The following will be used by the County in developing terms and conditions for the lease of land to FBOs to provide aeronautical services to the public at the St. Mary's County Airport:

1. FBOs, with the prior written consent of the County, may construct additional buildings, fueling facilities, or other facilities on the Airport.
2. All plans and specifications for new construction or alteration shall be subject to approval by the County, in writing, prior to construction as to architectural conformity, location of building lines, proper hangar clearance, compatibility with the adopted airport master plan, compatibility with any obligations of the County imposed on it by federal, state or local building and fire codes, Environmental Laws or Regulations and compliance with any requirements or specifications necessary to assure conformity with FAA airport design standards and Maryland Code.
3. FBOs shall obtain all permits associated with proposed development including preparing and coordinating the filing of FAA Form 7460-1, Notice of Proposed Construction or Alteration.
4. All building areas will be as shown on the appropriate airport leasing plat and on the Approved Airport Layout Drawing. The FBO shall be responsible for updating the airport layout plan prior to occupying the development.
5. Within thirty (30) days of completion of construction or alteration, the FBO will submit a complete set of electronic and printed "as-built" plans in a form acceptable to the County.
6. All plans and specifications for construction of utilities, including electrical, telephone, base lines or regulators shall require prior written approval of the County, including those constructed by the utility companies.
7. All construction shall be permanent and shall be compatible with the design, materials, and landscaping of the basic structures of the airport.
8. FBOs, with approval in writing by the County, may retain title and ownership to such buildings and facilities constructed at the FBO's expense for an initial period of time not to exceed 25 years, subject to adjustments of the rental payments to the County each five (5) years, based on changes in the cost of living index.

DRAFT

9. Buildings and facilities may not be removed from the Airport without the prior written consent of the County and shall become the property of the County after the lease term expires.
10. Land area leases not associated with buildings and facilities shall be for a period of time approved in writing by the County, but not to exceed five (5) years, with renewal options at the request of the FBO and with the prior written consent of the County.

D. OFF-AIRPORT AERONAUTICAL BUSINESSES

As a general principle, the FAA recommends that the County refrains from entering into any agreement that; either grants "through-the-fence" access to the public landing area by aircraft stored and services off-site on adjacent property; or that grants access to the airfield for aeronautical businesses that would compete with an on airport aeronautical service provider such as an FBO. The obligation to make an airport available for the use and benefit of the public does not impose any requirement for the County to permit access by aircraft from adjacent property. Exceptions may be granted on a case-by-case basis where operating restrictions ensure safety and equitable compensation for use of the airport and subordinate the agreement to the grant assurances and grant agreement. In addition:

1. At the County's option, if a bona fide airport tenant has already leased a site from the sponsor and has negotiated airfield use privileges but also desires to move aircraft to and from a hangar or manufacturing plant on adjacent off-airport property, the tenant may gain access through an area provided by the County.
2. Although not encouraged by the FAA, if an individual or corporation actually residing or doing business on an adjacent tract of land proposes to gain access to the airfield solely for aircraft use without offering any aeronautical services to the public, the County may agree to grant this access.
3. Agreements Granting "Through-the-Fence" access. "Through-the-fence" arrangements can place an encumbrance upon the airport property and reduce the airport's ability to meet its federal obligations. As a general principle, the FAA does not support agreements that grant access to the public landing area by aircraft stored and serviced offsite on adjacent property. Thus this type of agreement is to be avoided since these agreements can create situations that could lead to violations of the airport's federal obligations. ("Through-the-fence" access to the airfield from private property also may be inconsistent with Transportation Security Administration security requirements.) Under no circumstances is the FAA to support any "through-the-fence" agreement associated with residential use since that action will be inconsistent with the federal obligation to ensure compatible land use adjacent to the airport.

DRAFT

SECTION II. BUSINESS ACTIVITIES

A. GUIDELINES

The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide aeronautical services to the public and to insure that those who have undertaken to provide approved commodities and services are not exposed to unfair or irresponsible competition. Any person desiring to provide aeronautical services to the public or conduct special commercial aeronautical activities at the airport, as defined herein, shall be given equal opportunity to compete without discrimination for the use of available airport facilities. These Minimum Standards were developed taking into consideration the aviation role of the Airport, facilities that currently exist at the Airport, services being offered at the Airport, the future development planned for the Airport, and to promote fair competition at the St. Mary's County Airport. The uniform application of these minimum standards, containing the minimum levels of service that must be offered by the prospective service provider, relates primarily to the public interest and discourages sub-standard entrepreneurs, thereby protecting both the established aeronautical activity and Airport patrons.

B. OPERATING AGREEMENT / LEASE

References to Persons providing Aeronautical Services at the Airport include any Person who provides Aeronautical Services to any Person at the Airport, including (without limitations) Transients**.**

1. Subject to applicable orders, certificates or permits of the FAA, or their successors, Grant Agreements with the FAA, and the laws of the State of Maryland, no person shall use the airport or any portion thereof or any of its improvements or facilities as a base of operations for commercial business or aeronautical activities who has not first obtained the consent and required approval, lease and/or licenses for such use from the County and entered into such written leases and sub-leases and other agreements as may be required by the County.
2. All persons using the airport, or any portion thereof, as a base of operations for commercial, business or aeronautical activities shall, at all times, comply with these Minimum Standards, the Airport Rules, the Airport Security Program (ASP), and all pertinent statutes, ordinances, laws, rules, regulations, orders and rulings of the FAA, the state of Maryland, and the NFPA, which are made a part of these Minimum Standards by this reference. If any provision of these Minimum Standards is held invalid, the remainder of the Minimum Standards shall be valid. Future amendments, additions, deletions or corrections to these Minimum Standards will be incorporated into the document as required and as directed by the County.
3. FBOs will use and operate the airport leased property, and shall be responsible for insuring that all persons and entities employed by the FBO use and operate the leased property, in compliance with all applicable laws, rules and regulations, including but not limited to applicable environmental laws, rules or regulations, and the Airport Security Program. The FBO shall obtain and comply with the provisions of, and shall ensure that all persons and entities employed by the FBO obtain or possess and comply with, all permits and licenses. This includes, but is not limited to, permits and licenses required under applicable environmental laws and regulations, required for the lawful conduct of any and all activities conducted on the airport property by the FBO.
4. The authorization by the County to a Person wishing to provide aeronautical services to the public does not imply that said business has exclusive rights to provide those services at the Airport. The St. Mary's County Airport, being the recipient of federal funds via the FAA, is obligated to comply with Federal Aviation Administration Policy Statement on "Exclusive Rights at Airports." The FAA considers that the existence of an exclusive right to conduct any aeronautical activity limits the usefulness of an airport and deprives the using public of the benefits of competitive enterprise. Apart from the legal

DRAFT

consideration, the FAA considers that it is inappropriate to apply federal funds to the improvement of any airport where full realization of the benefit would be restricted by the exercise of an exclusive right to engage in aeronautical activity.

C. QUALIFICATIONS

Any person requesting permission to offer aeronautical activities to the public at the airport shall submit, in a manner acceptable to the County, and in accordance with the adopted *Airport Development Review Procedures* **(Exhibit A)**, all information and material necessary to establish to the satisfaction of the County that the person will qualify and comply with these Minimum Standards. All applicants shall submit the following documents to the County, together with such other documents and information as may be requested by the County:

1. The name, address, telephone and electronic mail address of the applicant.
2. A detailed description of the proposed FBO activity.
3. The proposed date for the commencement of the activity and the term for conducting the same.
4. A current financial statement prepared or certified by an independent certified public accountant and certified by the Chief Financial Officer of the applicant. The County shall consider the financial statements in evaluating the applicant's financial ability to provide responsible, safe, and adequate service to the public and shall be the sole judge of what constitutes adequate financial responsiveness.
5. A written listing of the assets owned, leased and/or or being purchased which will be used in the applicant's operation or business at the airport.
6. A current credit report for each party owning or having a financial interest in the business and a credit report on the business itself covering all geographical areas in which it has done business in the ten (10) year period immediately prior to such application.
7. A description of previous experience in airport services, a listing of key personnel to be assigned to the airport and a description of the duties, responsibilities, and prior experience of such personnel.
8. A written and signed authorization permitting the FAA, all aviation or aeronautic commissions, administrators, or departments of all states in which the applicant or its key personnel has engaged in an aviation business and all airports at which the applicant or its key personnel have engaged in business, to supply the County with all information in their files relating to the applicant, his operation or the applicant's key personnel. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies or by the County.
9. Preliminary plans, specifications and dates for any improvements, which the applicant intends to make on the Airport as part of the activity for which approval is sought. Applicants must comply with the adopted *Development Review Procedures* **(Exhibit A)**.
10. Names and financial statements of proposed guarantors of any proposed lease.
11. Proof (provide copy) of liability insurance coverage as required by the Airport Rules for the business operation.
12. A financial pro-forma operating statement for the first three (3) years of operation of the proposed FBO.
13. Evidence that all aircraft to be utilized by the applicant in providing any services pursuant to the request and any resulting agreement are licensed by all relevant state and federal agencies.
14. An agreement to provide a bond or suitable guarantee of adequate funds to the County to be used to defray any expenses and fees normally paid by the Lessee between the estimated time the Lessee may default and a new lease is executed and another Lessee takes over.

DRAFT

D. ACTION ON APPLICATION

After an application has been completed and material submitted in accordance with Section 1.C. above, and reviewed and deemed complete by the County, the matter will be requested for presentation to the County Commissioners during a regularly scheduled public meeting. The County may deny any application if, in its sole opinion, one of the following conditions exists:

1. The applicant for any reason does not meet the qualifications, standards and requirements established by these Minimum Standards.
2. The applicant's proposed operations or construction will create a safety hazard on the Airport.
3. The granting of the application will require the expenditure of local 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 County.
4. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.
5. There is no available airport land available which is suitable for construction of buildings and facilities required to accommodate the entire activity of the applicant.
6. The proposed operation, airport development or construction does not comply with the approved Airport Layout Drawing.
7. The development or use of the area requested by the applicant will result in congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present FBO on the Airport; such as, problems in connection with aircraft traffic or service; preventing free access and egress to an existing FBO area; or depriving an existing FBO to portions of its leased area in which it is operating
8. The applicant has either intentionally or unintentionally misrepresented or omitted pertinent information in its application or in supporting documents or has failed to make full disclosure in its application.
9. The applicant has a record of violating the Rules, or the rules and regulations of any other airport, Civil Air Regulations, Federal Aviation Regulations, or any other statutes, laws, rules and regulations applicable to it.
10. The applicant has defaulted in the performance of any lease or other agreement with the County or any lease or other agreement at any other airport.
11. The applicant does not, in the opinion of the County, exhibit adequate financial responsibility and capacity to undertake and maintain the business to which the application relates and to promptly pay amounts due under the proposed lease.
12. The applicant cannot provide a performance bond or other acceptable surety to the County in the amount required by the County for the FBO lease and does not have the finances necessary to conduct the proposed operation for a minimum period of six (6) months.
13. The applicant has been convicted of any felony or misdemeanor involving moral turpitude, or violated any County ordinance, rule, or regulation, which adversely reflects on its ability to operate the FBO operation for which the application is made.
14. It can be demonstrated that it would be unreasonably costly, burdensome, or impractical for more than one entity to provide the service.
15. The County would have to reduce the leased space that is currently being used for an aeronautical purpose by the existing provider in order to accommodate a second provider. In the case of denying additional providers, the County must have adequate justification and documentation of the facts supporting its decision acceptable to the FAA.
16. If an incumbent FBO is providing similar aeronautical services and the County desires to increase competition in airport services.

E. FIXED BASE OPERATORS (FBOs)

DRAFT

1. A FBO is a person who has met the qualifications and requirements of these Minimum Standards and the Airport Rules, has paid all required fees, has received formal approval from the County and has entered into a lease or sub-lease agreement with the County establishing airport space lease terms, rental amounts, insurance requirements and other terms and conditions required by the County to provide the desired aeronautical services to the public. The books and records of the FBO will be maintained for a period of five (5) years and shall be available for inspection by the County during normal business hours. When appropriate, the County will accept requests to combine space from individual FBOs who provide more than one commercial aeronautical service to the public. Any FBO desiring to provide retail aviation fuel and oil sales is also required to provide inside and outside aircraft storage services as well as aircraft maintenance services as provided for herein. The FBO may conduct one or more services to the public at the Airport, including but not limited to the following:

   a. Aircraft sales.
   b. On-demand Air Taxi operations prescribed under FAR Part 135.
   c. Aircraft rental.
   d. Flight instruction and ground school
   e. Maintenance services, parts, and accessories sales, which shall include services in one or more of the following:

      (1) Airframe overhaul and repair.
      (2) Engine overhaul and repair.
      (3) Radio and electrical repair shop.
      (4) Instrument shop.
      (5) Aircraft interior work
      (6) Refinishing and painting.
   f. Aircraft fueling and line services.
   g. Aircraft storage, inside and/or outside.
   h. Manufacture and/or assemble parts and accessories directly or indirectly related to aircraft, or conduct Research Development, Testing and Evaluation (RDT&E) of aircraft and related systems.
   i. Skydiving.

2. The application for a FBO lease shall specify all services from the above list, which the applicant desires to offer at the Airport. The applicant may also propose other services than on the above list with appropriate justification for consideration by the County. No person shall use the airport as an FBO until such person has executed a lease agreement approved and executed by the County.

3. Physical Facilities. The minimum space requirements shall be satisfied with one (1) building, attached buildings, or separate buildings on permanent foundations. Mobile office facilities may be used on leased property, by special permission of the County, providing facility is in compliance with all rules, regulations, and ordinances of the FAA and County.

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

DRAFT

Alteration) and receive a favorable determination, prior to commencement of any construction.

F. MINIMUM QUALIFICATIONS

In addition to meeting all other requirements and qualifications of a written lease agreement with the County, the FBO shall meet the following minimum qualifications for each type of service intended to be provided to the public:

1. Aircraft Sales.

Except as otherwise provided in any agreement between the FBO and the County, an FBO providing aircraft sales shall:

a. The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.
b. Have a minimum of one fully qualified demonstrator pilot employed with an appropriate and current FAA pilot certificate, current Airman Medical Certificate and ratings appropriate for the type of aircraft to be demonstrated.
c. Provide personnel on duty during normal business hours, or at other times, subject to the operator's discretion with the prior written approval of the County.
d. Have satisfactory arrangements at the Airport, or at another airport, for repair and servicing of aircraft sold with service guarantee.
e. The FBO shall have access to an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft.

2. Air Taxi or Charter Service.

Except as otherwise provided in any agreement between the FBO and the County, an FBO conducting on-demand air taxi operations prescribed under FAR Part 135 shall:

a. The FBO shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, passenger waiting area, cargo storage area, aircraft parking, and auto parking for customers and employees. FBO shall provide properly lighted and heated restrooms and telephone facilities for customers and employees. The FBO shall also lease sufficient apron area to stage flights and provide for the storage, parking or tie-down of as many aircraft as such operator reasonably expects to have on hand in such FAR Part 135 business at any one time.
b. The FBO shall provide a minimum of one (1) FAA certified commercial pilot who must be a full-time employee holding the appropriate ratings from the FAA needed to conduct the air service offered. Additional personnel will be required to attend office during normal working hours.
c. Have available for use at least one (1) multi-engine aircraft that has seating capacity for at least six passengers, is certified for IFR flight and meets the exclusive use requirements as defined in FAR Part 135.25.
d. Be available 24 hours a day with two (2) hours notice subject to crew and aircraft availability.
e. Provide evidence of currency under FAR Part 135 and compliance with all laws and procedures.

3. Aircraft Rental.

DRAFT

Except as otherwise provided in any agreement between the FBO and the County, an FBO providing aircraft rental services shall:

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

b. Provide, and at all times maintain, a minimum of two (2) aircraft, owned or leased by and under exclusive control of the FBO, which are properly equipped and FAA certified for rental and flight instruction.

c. Ensure that at least one (1) of the above aircraft is equipped and FAA certified for IFR flight.

d. Provide a properly FAA certified flight instructor on duty capable of conducting flight checks for prospective renters during normal business hours; or at other times, subject to the operator's discretion with the prior written approval of the County.

e. Have adequate facilities or arrangements for storing, parking, servicing and repairing all of its aircraft.

f. Aircraft to be maintained in accordance with all applicable FAA regulations.

4. Flight Instruction and/or Ground School.

Except as otherwise provided in any agreement between the FBO and the County, an FBO providing flight instruction (dual, solo, fixed or rotary wing aircraft) and/or ground school services shall:

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

b. Provide properly FAA certified flight instructors on duty during normal business hours or at other times subject to the operator's discretion with the prior written approval of the County. Flight instructor pilots must meet certification requirements of the FAA for flight instruction and maintain current certificates issued by the FAA and a current Airman Medical Certificate.

c. The FBO shall own or have exclusive lease in writing for one (1) aircraft equipped for flight under instrument conditions. Aircraft to be maintained in accordance with all applicable FAA regulations. These aircraft must be owned or leased by and under exclusive control of the operator, properly equipped and FAA certified for flight instruction and rental. If Ground School training is offered as part of such business, the FBO shall have on hand and available for use such equipment and apparatus as would reasonably be expected to be available for such training.

d. Demonstrate the continuing ability to meet the requirements for certifications of flight instructor personnel and aircraft by the FAA.

e. Have adequate facilities or arrangements for storage, parking, tie-down, servicing, and repairing all of its aircraft.

f. Any person may provide part-time flight instruction and/or ground school services to the general public without meeting the requirements of Subsection 4

DRAFT

provided the person has obtained a Permit from the County to perform such services in accordance with the Airport Rules and does not conduct training or business activities in the public areas of the airport terminal building or in the leased space of another FBO.

5. Aircraft Maintenance and Sale of Parts.

No maintenance of any nature is permitted without special permission from the Airport Manager or designee with the exception that tenants are allowed to perform preventive maintenance on owned or leased aircraft registered for that hangar or parking area. Except as otherwise provided in any agreement between the FBO and the County, an FBO providing aircraft maintenance services and sale of parts and accessories shall:

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

b. Be equipped with such tools, machinery, equipment, parts, and supplies as are normally necessary to conduct a full-time business operation in the maintenance service being offered, and be staffed by at least one (1) person properly certificated by the FAA or other regulatory agency with appropriate ratings for work to be performed. T-hangars will not be used for commercial maintenance activities.

c. Be staffed with competent personnel on duty to conduct business during normal business hours or at other times, subject to the operator's discretion with the prior written approval of the County.

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

e. Provide the necessary equipment and personnel to promptly remove from the public landing area (as soon as permitted by FAA, NTSB, and Maryland State Police authorities) any disabled aircraft.

f. Provide adequate provisions for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with Federal, State and local regulations.

g. If the business includes aircraft refinishing and painting, it shall:

1. Comply with and abide by all standards, rules, regulations and requirements of the Federal Aviation Administration, Maryland Department of the Environment, Environmental Protection Agency, OSHA, and other local, state or national governmental agencies having jurisdiction over aircraft painting and stripping operations.
2. Comply with all the current standards of the National Fire Protection Association on "Paint Spraying and Spray Booths" with regard to the arrangement, construction, and protection of spray booths and the storing and handling of materials used in connection with aircraft painting, varnishing and spray painting operations.
3. Prohibit any stripping, painting, varnishing, doping, materials, agents, or other contaminants from flowing into rivers, lakes, streams, the Bay, etc., or be placed in any sewer system unless pre-treated and the pre-treating process has been approved in advance and in writing by the County.
4. Perform all aircraft stripping operations inside a hangar or building. Outside stripping must be approved in advance and in writing by the County.

DRAFT

5. Properly treat and dispose of all hazardous material in compliance with the governing agencies listed in Paragraph 5.d (1) above.
6. Any person may provide aircraft repair, inspection and/or warranty services to the general without meeting the requirements of Subsection 5 provided the person has obtained a Permit from the County to perform such services in accordance with the Airport Rules.

6. Aircraft Fueling and Line Services.

Except as otherwise provided in any agreement between the FBO and the County, an FBO providing aircraft fueling and line services shall:

a. Provide aircraft storage inside and/or outside as outlined in Paragraph 7 below.
b. Provide aircraft maintenance services as outlined in Paragraph 5 above.
c. The FBO shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, pilot lounge, flight planning area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A public telephone shall be supplied for flight plans, weather briefings, or other public uses.
d. The FBO shall also lease the space needed to accommodate the aircraft fueling and line servicing and the flow of traffic in and out of the aircraft fuel servicing areas.
e. Hours of operation shall not be less than eight (8) hours per day, seven (7) days per week.
f. Provide and maintain all necessary pumps, tanks, and mobile gas trucks, fueling island and areas, ramps, and other fueling facilities that may be necessary, provided that the FBO shall not place or maintain any fueling facilities on the Airport, mobile or fixed, which have not been previously approved by the County and the Fire Marshal. The FBO shall not deliver fuel into any aircraft unless the fuel has first been placed in a suitable and approved filtration tank. There shall be no direct fueling from a common carrier transport truck into mobile re-fueler without filtration. In all fueling operations, the FBO shall comply with State and local fire codes and the current edition of NFPA 407, including all NFPA Standards referenced in 407.
g. Maintain and operate fuel servicing vehicles in accordance with all applicable federal, state and local rules and regulations covering fuel dispensing on airports including NFPA 407.
h. Keep an adequate supply of properly located and rated fire extinguishers and/or other equipment required by the NFPA on fuel serving vehicles, aircraft parking ramps, and fuel farm.
i. Keep a current, complete and accurate record of all fuel, oil and other products sold; and shall, at the request of the County, make available all invoices and records of purchases and sales by the operator of fuels, oils and products sold for at least two (2) years after the receipt or sale of such products. Failure of an FBO to keep an accurate record of all purchases and sales shall be reason to revoke the FBO's license and authority to do business on the Airport.
j. Maintain sufficient full-time trained attendants on duty to service aircraft without unreasonable delay during the hours of operation. The hours of operation for fuel sales and line services shall be from dawn to dusk daily except for holidays as established by the County. Any deviation

DRAFT

from this schedule must be approved in advance and in writing by the County.

k. Maintain an adequate supply of the fuels, oils and fluids normally called for at this Airport. A mobile fuel truck may only operate in the FBO's leased area and such other areas as may be designated from time to time by the County.

l. Pay such charges or taxes as may from time to time be imposed by St. Mary's County on the volume of aircraft fuel pumped, and/or other products sold by the FBO.

m. In addition to fuel sales, and aircraft storage services provide aircraft emergency starting, de-icing, parking, washing, minor repairs, tire inflation, oil changing, and any service not requiring a certified mechanic rating. All equipment necessary to provide these services shall be made available by the FBO.

7. Aircraft Storage.

Except as otherwise provided in any agreement between the FBO and the County, an FBO providing aircraft storage, inside and/or outside shall:

a. For purposes of inside storage, lease from the County an area of Airport land sufficient in size for the construction of a storage building with proper access ramps and other accessories designed to store as many aircraft as the FBO reasonably expects to accommodate (ie. at least six (6) aircraft), and shall construct the building, ramps and accessories in locations stipulated in the approved Airport Layout Drawing at the operator's sole cost and expense, according to plans and specifications previously submitted and approved and according to all applicable laws and regulations. If no office is maintained on the Airport, the operator shall post in conspicuous places on the building the name, address and telephone number of the person who is in charge of such business.

b. For purposes of outside storage, lease from the County an area of Airport land sufficient in size for the construction of an aircraft parking apron with tie-downs and other accessories designed to store as many aircraft as the FBO reasonably expects to accommodate (ie. at least six (6) aircraft), and shall construct the apron and accessories in locations stipulated in the approved Airport Layout Drawing at the operator's sole cost and expense, according to plans and specifications previously submitted and approved and according to all applicable laws and regulations. If no office is maintained on the Airport, the operator shall post in conspicuous places on the building the name, address and telephone number of the person who is in charge of such business.

8. Specialized Commercial Flying Services and Specialized Aviation Service Operations.

a. A specialized commercial flying 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:

(1) Non-stop sightseeing flights.
(2) Banner towing and aerial advertising.
(3) Aerial photography or survey.
(4) Fire watch and fire fighting.
(5) Fish spotting and bird chasing.

DRAFT

(6) Power line, underground cable, or pipe line patrol.
(7) Crop dusting, seeding, spraying, and other aerial application of agricultural chemicals.
(8) Other operations specifically excluded from Part 135 of Federal Aviation Regulations.

b. Specialized Aviation Service Operations (SASO's) that have varied requirements are:

(1) Avionics sales and/or service.
(2) Aircraft manufacturing.
(3) Engine or sub-assembly overhaul (station).
(4) Upholstery shop.
(5) Radio, instrument, or propeller repair.
(6) Air taxi or air ambulance service.
(7) Aircraft engine / airframe maintenance and repair.
(8) Flying Clubs.

c. These activities are so varied that their requirements on the Airport will depend on the scope of their operation. In some cases, the only Airport need is access, or for a tie-down space, since all other activities of the business are normally conducted off the Airport. The minimum standards and insurance coverage will be determined based upon a detailed application submitted by the person requesting permission to perform the aeronautical activity on the Airport. A Multiple Service FBO is one who engages in any two (2) or more of the aeronautical services for which minimum standards have been herein before provided. The FBO shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by the FBO.

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

e. The FBO shall have in his employ and on duty during the appropriated business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one (1) person.

f. For radio, instrument or propeller repair operations, the repairman shall be Federal Aviation Administration Rated.

g. The FBO performing the services under these categories will be required to carry the types of insurance necessary to protect the customers and County.

9. Skydiving

a. In order for any person to engage in Commercial Skydiving from the Airport, the person shall lease from the County, or provide under terms agreeable to the County, an area of Airport land sufficient in size to provide the office and classroom space required, an area sufficient in size to store or tie-down at least one (1) aircraft or as many aircraft as such operator reasonably expects to have on hand in such business at any one time. The operator shall also lease sufficient apron space need to accommodate the aircraft being loaded and the flow of traffic in and out of the loading areas.

DRAFT

b. The operator shall have on hand and available for use at least on (1) aircraft suitable for parachute jumping. The aircraft must be owned or leased by and under exclusive control of the operator, properly equipped, and FAA certified for parachute jumping. The operator shall also have on hand and available for use such equipment and apparatus as would reasonably be expected to be available for the training of individuals to parachute jump.

c. The operator shall provide personnel on duty during normal business hours or at other times subject to the operator's discretion with the proper written approval of the Airport Manager. If parachute instruction is requested during normal working hours it shall be provided. Parachute instructors shall meet all applicable requirements of the FAA for parachute instruction and maintain current certifications issued by the FAA, and, if required, a current Airman Medical Certificate.

d. The operator shall demonstrate the continuing ability to meet the United States Parachute Association and FAA requirements for certification of all instructor personnel and aircraft.

e. If the operator is using a designated Drop Zone on or off the airport property, one of it's employees will serve as the Drop Zone manager / observer at the drop zone during all skydiving activities. The Drop Zone manager/observer for safety purposes shall have a radio capable of transmitting on UNICOM and capable of communicating with the skydiving aircraft as necessary for safety purposes.

G. SPECIFIC REQUIREMENTS

1. Commencement of Activities: Each FBO shall, upon authorization and as the construction of any required physical facilities permit, immediately commence and conduct on a full-time basis all business activities and services which are authorized.

2. Leased Premesis:

a. Except in cases of FBO's offering inside storage space, each FBO shall provide and maintain an office which shall be staffed and open to the public during the normal business hours or as otherwise required. If more than one aeronautical service is being provided, the normal business hours may be combined to suit all activities with the County's approval. The FBO shall construct a building or lease all or a portion of a building to provide suitable facilities for the type of operations proposed. Such space shall include an office area, parking for employees and customers, a public telephone, and properly lighted and heated restrooms for customers and employees. In the event said building is new construction, the land area to be leased shall include a minimum of 2.5 times the building footprint. Building shall include a general aviation service hangar area sufficient for intended use. Ramp area constructed shall be a minimum of 1.5 times the area of hangar.

b. These facilities shall be kept in a neat, clean and orderly condition and properly painted and finished, normal wear and tear excepted. Only one (1) office shall be required for each FBO. No FBO or its employees, agents, officers, or other persons connected with the business shall use the office area or other facilities of any other FBO without the written consent of said FBO and the County.

c. FBO's shall adhere to the FAA Advisory Circulars regarding Aircraft Ground Handling and Servicing and Operational Safety on Airports During Construction.

DRAFT

3. Parking and Access: The FBO shall provide auto parking for its employees and customers in his leased area or make adequate arrangements for such parking. The FBO shall provide a paved walkway within the leased area to accommodate pedestrian access to the FBO's office The FBO shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the FBO's building to the taxiway. The FBO should provide a checkered flag meeting AC 150/5210-5D to all vehicles on the airport operations area (AOA) which are not escorted by a vehicle in constant radio communication with UNICOM frequency.

4. FAA Requirements: The FBO and all personnel and employees shall be competent and shall hold all current and valid certificates, permits, licenses or other authorizations required by the FAA, including any FAA air taxi permits. If, as a result of any action, order or ruling of the FAA, any of the FBO's aircraft are grounded or commercial pilot's certificate or instructor's certificate is suspended or revoked and this reduces the FBO's operation to less than the minimum standard for the activity being provided for a period of ninety (90) days or more, the FBO's license and authority to operate at the Airport may be revoked.

5. Indemnity and Insurance:

   a. The FBO shall agree, and by its operation at the Airport does agree, to indemnify, defend, and save the County, its authorized agents, offices, representatives and employees, and hold harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or losses, resulting from claims or court action, whether civil, criminal or in equity, and arising directly or indirectly out of acts or omissions of the FBO, its agents, employees, servants, guests, business visitors, invitees, or customers.

   b. To guarantee performance of the above, the FBO shall procure and maintain in force during the term of the lease and any extension or renewal thereof:

      (1) Public liability insurance with an insurer having a Best rating of A. This insurance must be written on an "occurrence" basis, responding to claims arising out of any occurrences which may take place during the policy period. The general liability form shall provide coverage and limits as stipulated in the Airport Rules as well as the services the FBO will be providing on the Airport. The insurance policy shall provide for contingent liability of the County on any claim or loss, and County shall be named as an additional insured under FBO's policy of insurance, as the County's interest may appear. The FBO shall instruct its insurer to notify the County in writing by certified mail at least 30 days prior to cancellation or refusal to renew any policy. The FBO shall provide the County with current certificates of insurance at all times.

      (2) Insurance against fire, windstorm or other casualty, including all standard extended coverage available, upon all of the FBOs personal property, together with such medical payments coverage as the FBO may desire. In connection therewith, the FBO shall hold the County harmless against loss or damage to Lessee's person or property by reason of any casualty other than the negligence or fault of the County.

      (3) Insurance for aircraft registered in Maryland shall be in accordance with Maryland Code.

6. Nondiscriminatory Service: The FBO shall furnish to all users all authorized or licensed services on a fair, equal, and not unjustly discriminatory basis; and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service provided that the

DRAFT

FBO may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.

7. Approval of Construction:

a. No buildings, structures, tie-downs, ramps, paving, taxi areas, or any other improvement, renovation or addition shall be placed or constructed on the Airport or altered or removed therefrom without prior written approval of the County. In the event of any construction, alteration or removal, an appropriate bond to guarantee the completion of the work in accordance with submitted plans and specifications, and all applicable state and local standards, may be required.

b. Unless otherwise agreed to, FBOs shall, at their own expense, provide, construct, install, equip and maintain all utilities, buildings, structures, ramps, tie-down areas, taxiways, fences and all other facilities and improvements which have been approved by the County and determined to be necessary for its operation.

c. Final plans and specifications for all construction shall be submitted within 90 days after approval of an application, and construction shall commence and be completed pursuant to a progress schedule coordinated and approved by the County. All construction shall comply with applicable building codes and state and local ordinances.

d. Construction areas will be in accordance with these rules and regulations, approved plans, and the current approved Airport Layout Drawing.

H. WAIVER OF MINIMUM STANDARDS PROVISIONS

The County may, at its discretion, waive all or any portion of the Minimum Standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the aircraft industry, or performing fire prevention, or fire fighting or rescue service operations but only to the extent permitted by the rules of the FAA and the laws of the State of Maryland and the County. The County may further temporarily waive any of the Minimum Standards for non-governmental applicants when it deems such waiver to be in the best interest of the Airport's operations.

SECTION III. LEASE AND PERMIT PROVISIONS

A. TERMINATION

The County shall have the right, at its discretion, to terminate any lease or other agreement authorizing the FBO to conduct any service or business on the Airport and to revoke any FBO license, authority, or permit to do business on the Airport for any reason provided in the Rules, or by law; and, in addition thereto, upon the happening of any one or more of the following:

1. For Cause (Termination)

a. The filing of a petition, voluntarily or involuntarily, for the adjudication of bankruptcy by the FBO.

b. The FBO making any general assignment for the benefit of creditors without the approval of the County.

c. The abandonment or discontinuance of any licensed operation at the Airport by the FBO or the failure to conduct such operation on a full-time basis without prior approval of the County.

d. The failure by the FBO to promptly pay, when due, all rents, fees and other charges to the County.

e. The failure of the FBO to remedy any default or breach or violation by the Operator or his employees in keeping, observing, performing and complying with the Rules and the terms and conditions in any lease or agreement entered into pursuant hereto on the part of the FBO to be performed, kept or preserved, not involving the payment of rents, charges, fees, or other payments to be paid to the County within thirty (30)

DRAFT

days from the date written notice from the County has been mailed or delivered to the place of business of the FBO at the Airport.

f. The FBO, or any partner, officer, director, employee, or agent thereof, commits any of the following:

(1) Violates any of the Rules or the Minimum Standards herein; or
(2) Engages in unsafe, abnormal, or reckless practices in the operation of any aircraft or motor vehicle on or in the vicinity of the Airport, which creates a hazard to the safety of other Airport users, other aircraft or the general public; endangers property; or which could, if an emergency developed, unforeseeably result in causing personal injuries or death to a person or damage to property; or
(3) Causes serious personal injury or the death of a person, or property damage involving in excess of $10,000 for repairs, or loss arising from the FBO's negligent or wrongful conduct of business at the Airport; or
(4) Operates the business of the FBO in such fashion as to create a safety hazard on the Airport for other Airport users, aircraft or property on the Airport, the general public, or any pilots, students or passengers.

g. It becomes known to the County that the FBO, or someone on his behalf and with his knowledge, supplied false information or misrepresented any material fact in the application, supporting documents, or in statements to or before the County pertaining to the application, or failed to make full disclosure in the application, the supporting documents, or in statements to or before the County.

2. Without Cause (Termination)

a. In the event St. Mary's County determines to close the Airport in its entirety or close the Airport to all traffic it is not legally bound to serve.

In the event of termination, the FBO shall forthwith peaceably vacate the Airport and surrender possession of the premises and cease all business operations on the premises and cease all business operations on the Airport. Should the operator fail to make such surrender, the County shall have the immediate right, and without further notice to the FBO, to enter by force or otherwise take full possession of the space occupied by the FBO on the Airport, and with or without legal process to expel, oust and remove any and all parties and any and all goods and chattels not belonging to the County that may be found within or upon the space at the expense of the operator and without being liable to prosecution or to any claim for damages therefore. Upon such termination, all rights, powers and privileges of the FBO hereunder shall cease, and the FBO shall immediately vacate any space it occupies under this agreement or any lease or leases, and shall make no claim of any kind whatsoever against the County, its agents or representatives by reason of such termination or any act incident thereto. In the event of termination for cause, all structures and other improvements made to the Airport by the FBO shall become the property of the County and shall remain on the Airport after the FBO ceases operations and vacates the premises. In the event of termination without cause, the operator shall be given a reasonable period of time within which to negotiate with the County the sale to the County at Fair Market Value all structures and improvements erected by it on Airport property. Any structures or improvements on the Airport after such reasonable period has elapsed shall be and remain the property of the County.

In addition to all other rights and remedies provided in these Minimum Standards, the County shall have any and all other rights and remedies at law or in equity, including the equitable remedy of injunction to enforce these Minimum Standards, to obtain compliance therewith, and to impose the penalties herein provided.

B. INSPECTION AND MAINTENANCE

1. To the extent necessary to protect its rights and interests or to investigate compliance with the terms of a lease and the Airport Rules, the County, its Engineer, its Attorney, its Police Officers and the Airport Manager shall have the right to inspect at all reasonable times all

DRAFT

airport premises together with all structures or improvements, and all aircraft, equipment and all licenses and registrations.

2. Each FBO shall be responsible for the removal of snow and ice from its leased area or areas in which it is authorized to operate and shall keep such leased area and areas which it is authorized to operate free and clear of all weeds, rocks, debris and other materials which is unsightly or could cause damage to aircraft, buildings, persons or automobiles.

3. No Person shall throw, dump or deposit any waste, refuse, hazardous materials or garbage shall be placed and kept in closed garbage cans or containers and all operating areas shall be kept in a safe, neat, clean and orderly manner at all times and in such a manner as to minimize any hazards.

C. SUB-LEASING / SALE OF LEASE

No right, privilege, permit, or license to do business on the Airport, or any lease of any area of the Airport shall be assigned, sublet, sold, or otherwise transferred or conveyed in whole or in part without prior written consent of the County.

D. FAA REQUIRED LEASE PROVISIONS

Each lease at the Airport shall contain the following provisions regarding subordination, emergency leasing to the U.S., and nondiscrimination. The language for these provisions is as follows:

1. Lease Subordinate to Agreement between Lessor and the United States: This lease shall be subordinate to the provisions of any existing agreement between the County 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.

2. Emergency Lease to United States.

   a. During the time of war or national emergency, the County 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.

   b. 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.

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.

DRAFT

c. That the FBO shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, 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.

d. That in the event of breach of any of the above non discrimination covenants, the County shall have the right to terminate the lease and re-enter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

E. EFFECT ON EXISTING LEASES

All leaseholders maintaining an FBO lease with the County at the time these Minimum Standards become effective, shall be required to comply with these Minimum Standards.

REFERENCES

- Federal Aviation Agency Policy Statement – "Exclusive Rights at Airports", dated January 4, 2007
- Federal Aviation Administration (FAA) Order 5190.6B – "FAA Airport Compliance Manual", dated September 30, 2009
- Federal Aviation Administration Advisory Circular AC 00-44D, "Aircraft Ground Handling and Servicing", dated September 10, 1974
- Federal Aviation Administration Advisory Circular AC 150/5190-7, "Minimum Standards for Commercial Aeronautical Activities on Public Airports", dated August 28, 2006
- Federal Aviation Administration Advisory Circular AC 150/5370-2F, "Operational Safety on Airports During Construction", dated September 29, 2011
- NFPA 407 Aircraft Fuel Servicing, 2007 Edition, and all NFPA Standards referenced in 407
- Federal Aviation Administration Advisory Circular AC 150/5230-4B, "Aircraft Fuel, Storage, Handling, Training, and Dispensing on Airports", dated September 28, 2012
- Federal Aviation Administration Advisory Circular AC 150/5210-5D, "Painting, Marking, and Lighting of Vehicles on an Airport", dated April 1, 2010

DRAFT