

Lawrence County Ordinance # 28

**BLACK HILLS
AIRPORT**

Minimum Standards

Adopted: October 12, 2010

Lawrence County Ordinance # _____

BE IT ORDAINED by the Lawrence County Board of County Commissioners that there is hereby adopted the following minimum standards intended to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport.

Dated this 12th day of October, 2010.

BY THE BOARD

Terry Weisenberg

Connie H. Douglas, Chairman

Daryl Johnson

Bob Ewing

Tommy Thompson

ATTEST:

Connie Atkinson, Auditor

First Reading:
Second Reading:
Adoption:
Effective Date:

**MINIMUM STANDARDS FOR OPERATORS OF
COMMERCIAL ACTIVITIES**

Table of Contents

Section 1 - General Provisions

- 1.01 Introduction
- 1.02 Required Conditions
- 1.03 Commercial Services Defined
- 1.04 Non-Discrimination
- 1.05 Development of Additional Minimum Standards
- 1.06 Pre-Qualification Requirements
 - A. Intended Scope of Activities
 - B. The Written Agreement
 - C. Site Development Standards
 - D. Personnel
 - E. Experience/Financial Stability
- 1.07 Indemnity and Insurance

Section 2 - Aeronautical Services

- 2.01 Introduction
- 2.02 Development of Quality Services
- 2.03 Exclusive Rights
- 2.04 SINGLE SERVICE OPERATOR
 - A. Aircraft Sales
 - B. Airframe and/or Powerplant Repair
 - C. Aircraft Rental
 - D. Flight Training
 - E. Air Taxi and Charter Service
 - F. Avionics, Instruments, and/or Propeller Service
 - G. Specialized Commercial Flight Services
- 2.05 Aircraft/Auto Fuels, Dispensing, Storage, and Line Services
- 2.06 Multiple Commercial Aeronautical Services
 - A. Limited Service Operator
 - B. Full Service Operator
- 2.07 Termination/Modification of Operating Authority

Section 3 - Ground Transportation

This section reserved for On-Airport Car Rental Concession

Section 4 - Flying Clubs

This section reserved for Flying Clubs

Section 5 - Penalties For Failure To Maintain Compliance
With Minimum Standard Requirements

- 5.01 Failure to Comply with Minimum Standards of the Board
- 5.02 Authority of the Airport Board President
- 5.03 Termination of Lease
- 5.04 Civil Remedy or Criminal Prosecution
- 5.05 Liability for Fines

Exhibit A – Full Service FBO Development Process

BLACK HILLS AIRPORT
MINIMUM STANDARDS FOR OPERATORS
OF COMMERCIAL ACTIVITIES

SECTION 1 – GENERAL PROVISIONS

1.01 Introduction

The Lawrence County Board of County Commission adopts these minimum standards in order to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport.

1.02 Required Conditions

Any Person desiring to engage in one or more commercial activities at the Black Hills Airport must adhere to applicable minimum standards as a condition to establishing and providing the permitted activity and must be a party to a written lease and/or use agreement with the Board.

1.03 Commercial Services Defined

Commercial Services are defined as certain commercial activities conducted at or from the Airport for the purpose of securing earnings, income, compensation, or profit, whether or not such objectives are actually accomplished. Commercial Services, which shall be subject to these Minimum Standards, include the following aeronautical and ground transportation activities: Aircraft sales, airframe or power plant repair, aircraft rental, flight training, air taxi/charter, avionics, instrument or propeller service, commercial flight services, car rental, baggage or limousine services and courtesy transportation.

1.04 Non-Discrimination

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available Airport facilities; or to engage in selected commercial activities, subject to the Minimum Standards and requirements as may be established and amended on a periodic basis by the Board.

The Board, through its Minimum Standards, attempts to maintain a “level playing field” on which all commercial operators of similar classification or aeronautical activity are to conduct business on a fair and equal basis for the benefit of the aviation public. In developing these Minimum Standards, the Board intends neither to block competition between service providers nor to protect any existing or incumbent provider from competition.

Commercial Operators on the Airport are required to (1) furnish services on a fair, equal, and not unjustly discriminatory basis to all customers, and (2) charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the Operator is allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

No commercial operator shall exclude from employment in participation, access to, benefits of its operations or otherwise discriminate against persons on the ground of race, color, national origin, handicap, age, sex, or veteran status. Commercial Operators shall be responsible for compliance with any applicable local, state and federal rule, regulation, ordinance or law regarding nondiscrimination.

1.05 Development of Additional Minimum Standards

Authorized Commercial Services are not limited to those listed in these Minimum Standards. In the event that a prospective operator desires to conduct a Commercial activity not listed in these standards, the Minimum Standards for that activity may be identified as a part of the application process. Further, the Board may, at any time, identify additional activities to be subject to Minimum Standards. In developing new minimum standards for aeronautical services the following guidelines are to be considered:

- A. The minimum hangar space required of an independent commercial provider of aeronautical services is 3,600 square feet. A commercial operator may conduct business under the “umbrella” of a Full Service Operator making the hangar space requirement unnecessary.
- B. Hangar space minimum requirements should generally be 75% of the total building space required with the remaining 25% of the space being for offices, restrooms, reception areas and other space required for good customer service.
- C. Land space minimum requirements should generally be twice the amount of space required for the building.
- D. In planning a commercial development, it is expected that all aircraft associated with the operation will be stored in the Operator’s hangar or on tie down ramp space that is constructed by the Operator on leased premises. The Board is not obligated to provide or construct public ramp/apron or connecting taxiways for commercial operators. Further, the Board’s ability to construct such ramp/apron or taxiway facilities is limited to the availability of Federal and State grants which may be dedicated to higher priority projects on the airport. Thus, the prospective operator should expect to fund all of his facility needs (building, parking lots, ramps/aprons, connecting taxiways) as a part of the total plan.

1.06 Pre-Qualification Requirements

The prospective Operator shall submit, in written form, to the Board President, at the time of application, the following information as may be requested by the Board:

A. Intended Scope of Activities

As a condition precedent to the granting of an operating privilege on the Airport, the prospective operator must submit a detailed description of the intended activity(s), and the means and methods to be employed to accomplish the applicable operating standards and requirements, in order to provide high quality service to aviation and the general public in the Black Hills area, including the following:

1. The services to be offered.
2. The amount of land to be leased or subleased.
3. The building space to be constructed, leased, or subleased.
4. The number of Aircraft (or Vehicles) to be provided, if applicable.
5. The number of qualified and/or certified employees.
6. The hours of proposed operation.
7. Evidence of required minimum insurance coverage as established by the Board.
8. Evidence of operator's financial capability to perform the proposed services and provide and maintain the required facilities.
9. Evidence of the operator's level of competency and experience in successfully performing the proposed service.

B. The Written Agreement

With the approval of the application by the Airport Board, prior to the commencement of Commercial Operations, the prospective operator will be required to enter into a written agreement with the Board. The agreement will detail the terms and conditions under which the operator will conduct his business on the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges and obligations of the respective parties; and other relevant covenants. The conditions contained in the schedule of Minimum Standards and Requirements do not represent a complete recitation of the provisions to be included

in the written agreement. Agreement provisions, however, will not change, modify, or be inconsistent with, the Minimum Standards and Requirements.

C. Site Development Standards

1. The minimum space requirements hereinafter provided may be satisfied by the lease, construction or sublease of single abutting, or separate parcels having one (1) building, attached buildings, or separate buildings. The use of mobile home type buildings, or T-hangar space, to satisfy space requirements is prohibited. A minimum 50' setback from aviation apron areas is required for new construction.

For construction of any new facilities not already contained on the Airport, the operator shall be subject to the standards of development contained in the Airport Master Plan for the Black Hills Airport, as well as all applicable federal, state, and local laws, ordinances, and codes.

2. No Person shall make any alterations of any nature whatsoever to any buildings, aprons, or other airport space without prior written approval from the airport board . Nor shall any building or other structure be erected without prior submission of a written request, including detailed plans and specifications, and the receipt of written permission from the Board. Prospective operators shall comply with all building codes and shall deliver to the Airport Board president “as built” plans upon completion.
3. Further, a notice of alterations or construction must be submitted to the Federal Aviation Administration by the perspective operator, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and receive a favorable determination, prior to commencement of any construction.

D. Personnel

1. The prospective operator shall have in his employ, and on duty during the required operating hours, such numbers and types of trained personnel with proper FAA credentials, certificates, and ratings as applicable to provide adequate and efficient services.
2. Operator must demonstrate that procedures have been established to assure that all persons employed, or to be employed, who have unescorted access to any area on the Airport controlled for security reasons, have background checks to the extent required by law, or regulation including, as a minimum, references and prior employment histories to the extent necessary to verify representations made by the employee/applicant relating to employment in the preceding five years.

3. Operator's employees shall be neat, clean, and courteous. Operator shall not permit its agents, servants, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner, or to solicit business outside the space assigned as stated in lease or operating agreement.

E. Financial Stability

1. Operator Business Plan: The Operator must provide a business plan pursuant to the proposed operation to the Airport Board demonstrating that the operator has, or is able to secure, the necessary level of capital for the purpose of constructing new facilities, or remodeling existing leased facilities, and acquiring maintenance equipment and aircraft, as may be necessary to service existing and future business demands.

1.07 Indemnity and Insurance

A. Indemnification

1. Perspective operator's must agree to indemnify, save, hold harmless, and defend the Board, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all reasonable expenses incidental to the investigation and defense thereof, in any way arising out of or resulting from any acts, omissions or negligence of the Operator, its agents, employees, licensees, successors and assigns, or those under its control; in, on or about leased premises or upon leased premises; or in connection with its use and occupancy of leased premises or use of airport; provided, however, that the operator shall not be liable for any injury, damage, or loss occasioned by the negligence or willful misconduct of the Board, its agents or employees.
2. The Operator must also agree to indemnify, save, hold harmless, and defend the Board, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all expenses incidental to the investigation and defense thereof, in any way arising from or based upon the violation of any federal, state, or municipal laws, statutes, ordinances, or regulations by the Operators agents, employees, licensees, successors and assigns, or those under its control. The Operator shall not be liable for any claims and actions and expenses incidental to the investigation and defense thereof, in any way arising from or based upon violation of any federal, state or municipal laws, statutes, ordinances, or regulations by the Board, its agents, employees, licensees, successors and assigns, or those under its control.

B. Minimum Liability/Auto Insurance Requirements

1. Without limiting the Operator's obligation to indemnify the Board, the Operator shall provide, pay for, and maintain in force, at all times during the term of this agreement, a policy of:
 - a. Comprehensive general liability insurance to protect against bodily injury liability and property damage in an aggregate amount of not less than:

Single Service Operator - \$1,000,000.00 per occurrence;
Limited Service Operator - \$1,000,000.00 per occurrence;
Full Service Operator - \$1,000,000.00 per occurrence
 - b. Comprehensive automobile liability insurance in a combined single limit of not less than \$100,000/300,000 bodily injury and \$100,000 property damage per occurrence for all vehicles that will be operating in the aviation areas of the airport, or the maximum coverage available under the laws of State of South Dakota for publicly owned vehicles, whichever is the lesser.
 - c. Statutory Workman's Compensation insurance; and any other policies of insurance reasonably required by the Board.
2. The above-mentioned insurance amounts and types insurance shall be reviewed on a periodic basis by the Board and may be adjusted by the Board if the Board reasonably determines such adjustments are necessary to protect the Board's interests. The Operator shall furnish the Board, as evidence that such insurance is in force, a certified copy of the insurance certificate including the Board as additional insured within 30 days after the policy(s) is issued. Said policies shall be in a form and content satisfactory to the Board and shall provide for thirty (30) days written notice to the Board prior to the cancellation of or any material change in such policies.

C. Environmental Impairment: Operators must agree to comply with any environmental regulations affecting its operations, as required by the State of South Dakota, or agencies of the Federal Government.

D. Fire and Extended Coverage Insurance: Operators must agree to, at their expense, procure and keep in force at all times during the term of this agreement with a company suitable to the Board, insurance on the buildings and other improvements on the airport against loss and damage by fire, aircraft and extended coverage perils. The Operator shall furnish evidence of insurance in an amount no less than the replacement cost of the improvements. Insurance shall name the Board as additional insured.

SECTION 2 - AERONAUTICAL SERVICES

2.01 Introduction: The following Minimum Standards For commercial Aeronautical Services incorporated by Reference FAA Advisory Circular No.150/5190-5 dated 6-10-02, Minimum Standards for Commercial Aeronautical Activities on Public Airports and the Black Hills Airport Board's rules and regulations, as may be adopted or amended. The Board does not certify that the required minimum land, and building areas, personnel or equipment levels are adequate for the successful operations of the commercial activities described. Additional land and building space, personnel and equipment exceeding the minimums, may be necessary for the operator to ensure that services are effectively provided to meet the needs of the public. All Aeronautical services and use of the Black Hills Airport shall be conducted in strict compliance with federal regulations and state and local laws.

2.02 Development of Quality Services: It is the Board's intent to ensure that the Airport, through its authorized commercial operators, provide a full range of quality services to the aviation public. To accomplish this objective, the Board has established a development process. The development process is founded on the principle that only experienced, well capitalized, operators have the greatest chance of successfully providing these quality services. The process also provides opportunities for interested parties, with limited experience, to establish aviation service businesses, to gain the necessary experience, and to grow into service levels of greater responsibility to the public.

2.03 Exclusive Rights: No private aeronautical service provider will be granted an exclusive right to solely provide any aeronautical service on the airport. Any interested party meeting the Minimum Standards may qualify for authorization to begin business.

It is the intent of the Board to promote private retail fuel sale activities. The Board, however, reserves the right to establish its retail fuel operations at anytime it believes that in doing so would be in the best interest of the public.

Further, in the absence of a qualified Full Service Operator, as detailed in 2.10, the Board reserves the right to provide retail fuel sales, and any other aeronautical service absent an authorized commercial service provider, as an "exclusive right" unto itself. Once such an aeronautical service is thus declared an "exclusive right" of the Board, the service can no longer be considered a service that can be offered by private commercial operators at the airport.

2.04 Single Service Operator

A person or organization, meeting the Minimum Standards of any one (1) of the following aeronautical services, may apply to the Airport board for permission to operate as a Single Service Operator (1st Entry Level – Exhibit A) in accordance with Section 1.06 of these Minimum Standards. Single Service Operators are prohibited from retail sales of fuel or petroleum products and providing aviation line services. Fuel/petroleum retail sales and line

services are privileges reserved for qualified Full Service Fixed Base Operators. Single Service Operations are considered to be “entry level” business activities and thus no actual experience in operating such a business is required. Some experience is, however, recommended. A Single Service Operator may conduct business under the “umbrella” of an authorized Full Service Operator making the hangar space requirement unnecessary.

A. Aircraft Sales

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

1. Services

Operator must be capable of repairing the engines and other operational components of the Aircraft being sold. Repairs also include warranty work on new aircraft. Operator is prohibited from performing aircraft maintenance and repair work for the general public.

2. Land Area

A minimum area of 4000 square feet of land on the Airport is required for buildings, storage of aircraft, display and auto parking.

3. Buildings

Lease, sublease, or construct a building having a minimum of 4,000 square feet of properly lighted and heated space for offices, hangar storage, maintenance, and public waiting areas, including restroom facilities and telephones. A minimum of 3,600 square feet of hangar is required.

4. Personnel

Provide one or more persons holding current commercial pilot certificate with ratings appropriate for the type of aircraft to be demonstrated or for sale. One person currently certificated by the FAA to perform aircraft maintenance work on the aircraft being sold, if the operator intends to do his own maintenance.

5. Hours of Operation

Dealer shall provide normal operating hours of at least eight (8) hours per day, five (5) days per week.

6. Dealership/Aircraft

A new aircraft dealer shall be an authorized factory dealership or sub-dealership having a license or permit as required by the state, and knowledge of South Dakota applicable statutes concerning sales, contracts, and warranties.

7. Parts and Service

Dealer shall have an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft during warranty period.

8. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

B. Airframe and Powerplant Repair (Aircraft maintenance & repair)

Any operator desiring to engage in airframe and/or powerplant repair service must provide, as a minimum, the following:

1. Land Area

An area of 4,000 square feet of land on the Airport is required for the building, temporary parking of aircraft, and customer Vehicle parking.

2. Buildings

Lease, sublease, or construct a building having a minimum of 4,000 square feet of properly lighted and heated maintenance shop, parts storage space, office space, and a public waiting area including restrooms and telephones. A minimum of 3,600 square feet of hangar is required.

3. Personnel

In addition to 1.06 D, Operator shall employ a minimum of one person currently certificated by the FAA with ratings appropriate for work to be performed. Additional personnel shall be provided to keep office attended during normal hours of operation.

4. Hours of Operation

Hours of operation shall be a minimum of eight (8) hours per day, five (5) days per week, with provisions for emergency on-call service during nights, weekends, and holidays.

5. Equipment

Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

C. Aircraft Rental

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

1. Land Area

An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, auto parking and building.

2. Buildings

Lease, sublease, or construct a building consisting of 400 square feet of office space, adequately lighted and heated, with a public telephone, restrooms, flight planning, and customer waiting areas.

3. Personnel

In addition to 1.06 D, Operator shall employ a minimum of one person holding a current commercial pilot certificate with appropriate ratings. Additional persons shall be provided to keep office attended during normal working hours.

4. Aircraft

Operator shall own or have an exclusive lease in writing for an air worthy aircraft.

5. Hours of Operation

Minimum hours of operation shall be eight (8) hours per day, five (5) days per week.

6. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

D. Flight Training

Any operator desiring to engage in pilot flight instruction shall provide, as a minimum, the following:

1. Certification

Flight training service shall meet all FAA requirements for flight instruction leading to private, commercial, instrument and flight instructor ratings, and shall meet all requirements of appropriate State and Federal regulations.

2. Land Area

An area of 4,000 square feet of land on the Airport shall be leased for building space, aircraft parking, and customer vehicle parking.

3. Buildings

Lease, sublease, or construct a building of at least, 400 square feet for office, pilot lounge, classroom and flight planning area with restrooms, a public telephone and aircraft storage. A minimum of 3,600 square feet of hangar is required.

4. Personnel

In addition to 1.06 D, Operator shall employ a minimum of one (1) person certified by the FAA as flight instructor with proper ratings for VFR/IFR training required. Additional persons shall be provided as required to attend office during normal working hours.

5. Aircraft

One (1) aircraft equipped for flight training under both visual and instrument conditions, shall be owned or exclusively leased by the operator for flight training.

6. Hours of Operation

Minimum hours of operation shall be eight (8) hours per day, five (5) days for week.

7. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

E. Air Taxi and Charter Services

Any operator desiring to engage in air taxi or charter service shall provide, as a minimum, the following:

1. Land Area

An area of 4,000 square feet on the Airport to provide space for buildings, Aircraft parking, and Vehicle parking.

2. Buildings

Lease, sublease, or construct a building consisting of 4,000 square feet for office, customer lounge, flight planning, and hanger space, including restrooms and public telephones. A minimum of 3,600 square feet of hanger is required.

3. Personnel

In addition to 1.06 D, Operator shall employ a minimum of one (1) FAA certified commercial pilot appropriately rated to conduct air service offered. Additional personnel as required attending the office during normal working hours.

4. Aircraft

A minimum of one (1) aircraft capable of carrying six (6) passengers, and equipped for flight under instrument conditions shall be owned or exclusively leased by the operator.

5. Hours of Operation

Minimum hours of operation shall be eight (8) hours per day, five (5) days per week and provide 7 day a week, 24 hour per day, on-call service during non-office hours.

6. Certification

Operator and all pilots must meet all provisions of FAR Part 135, to include any required insurance coverages.

7. Ground Transportation Services

The Operator may make provisions for the transportation of pilots and passengers of transient General Aviation Aircraft to and from the Operator's facilities across the Airport's Apron areas as a part of his business operations. The Operator performing this service with motor vehicles driven on the Airport property shall do so only in strict compliance with any Airport rules and regulations, applicable federal, state and municipal laws, ordinances, codes, or other similar regulatory measures as may be hereafter added, modified, or amended.

The Operator shall procure and maintain for any motor vehicles he operates on the Airport, motor vehicle liability insurance in the limits specified in section 1.07 B.

8. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

F. Avionics, Instruments, and/or Propeller Services

Operator desiring to provide avionics, instrument, or propeller service must hold the appropriate FAA repair station certificates and ratings for same and provide, as a minimum, the following:

1. Land Area

An area of 4,000 square feet of land on the Airport for buildings, vehicle parking, and temporary Aircraft parking.

2. Buildings

Lease, sublease, or construct a building of at least 3,000 square feet for office, restroom and hangar space for aircraft undergoing repair.

3. Personnel

In addition to 1.06 D, Operator shall employ a minimum of one (1) FAA certified repairmen, qualified in terms of the applicable FAA repair station certificate.

4. Hours of Operation

Minimum hours of operation shall be eight (8) hours per day, five (5) days per week.

G. Specialized Commercial Flight Services

Operators desiring to engage in specialized commercial flight services including, but not limited to: banner towing, aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol, aerial applications or any other operations specifically excluded from Part 135 of the FAA Regulations shall provide, as a minimum, the following: (Note does not include those aeronautical services conducted incidental to the operators primary off-airport business).

1. Land Area

A minimum area of 4,000 square feet of land shall be leased on the Airport to provide for buildings, aircraft parking and tie downs.

2. Buildings

Lease, sublease, or construct 4,000 square feet of building for office, hanger space, and customer reception area with public telephone. A minimum of 3,600 square feet of hanger is required.

3. Personnel

In addition to 1.06 D, Operator shall employ one (1) person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

4. Aircraft

One (1) properly certificated Aircraft owned or leased by written agreement.

5. Hours of Operation

The operating hours will be eight (8) hours a day, five (5) days per week.

6. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

7. Compliance

Operator must meet all local, state and federal regulations applicable to each category of operation.

2.05 Aircraft/Auto Fuels, Dispensing, Storage and Line Services

A. General: The retail sale, storage and dispensing of aircraft and automobile fuels and other petroleum products shall be conducted strictly in accordance with Federal Aviation Regulation (FAR) Part 139, Federal and state environmental laws, and Airport Rules, Regulations and Minimum Standards.

B. Fuel Storage: Fuel storage activities shall be controlled in accordance with the following conditions:

1. Only fuel deliveries authorized by the board may be brought onto airport property.
2. All fuels brought onto airport property shall be stored in the Airport Board's fuel storage facility. Privately owned fuel storage on airport property is prohibited.
3. Fuel deliveries brought onto Airport property shall be in trucks having a capacity of not less than 7,000 gallons.
4. Mobile fuelers, or fuel trucks/trailers, may not be used solely for fuel storage. Fuel trucks approved by the Board to dispense fuels directly into aircraft, having capacities of no more than 5,000 gallons, shall not be considered to be "storage" as long as the fuel truck is used to fuel aircraft daily.
5. Authorized commercial operators, and aircraft owners desiring to self fuel their privately owned aircraft fleet, may request authorization to rent excess storage space capacity in the Board's fuel storage facility for their exclusive use. Such an exclusive use fuel space set-a-side may only be considered by the airport when the operator or self fueler demonstrates that their fueling activities exceed 300,000 gallons per

year. Authorized exclusive use space shall be discontinued if the operator fails to maintain fueling levels of at least 300,000 gallons annually.

- C. Commercial Aviation Fueling: Sales of aviation fuels and petroleum products, and providing flight line services, are specifically reserved for qualified Full Service Fixed Base Operators, as detailed in Section 3.06 of these Minimum Standards. Single and Limited Service Operators are prohibited from commercial fueling activities.
- D. Auto and Wholesale Fuel Sales: The sale of auto fuels (gasoline and diesel) and the sale of fuels to other parties for resale are business activities specifically reserved as “exclusive rights” of the Board.
- E. Self Fueling of Private Aircraft: A person or organization owning aircraft shall be permitted, personally or using the organization’s employees, to fuel their own aircraft in accordance with the Airport’s Fire Safety/Fuel Handling Standards. Self fueling activities must be accomplished with the owners own equipment. The aircraft owner is not permitted to contract with an off-airport company to enter upon the airport to refuel his aircraft. Further, the Board prohibits the use of a “CO-OP” (an organization formed by several aircraft owners for the purpose of self fueling) as a single aircraft owner for the purpose of self fueling. Self fueling operators may not dispense fuel from their privately owned fueling equipment into aircraft not directly owned by the operator. Further, the operator’s fuels may not be sold, given, or ownership otherwise transferred, to other aviation operations.
- F. Use of the Fuel Storage Facility:
 - 1. Use of the Board’s fuel storage facility by commercial fuel operators is limited to the storage of aviation (100 octane) gasoline, and jet fuel, both being purchased by the operator. The selection of fuel, maintaining fuel quality once in the operator’s fuel trucks and the dispensing of the fuel, are the sole responsibility of operator.
 - 2. Authorized operator shall have the access to the Board’s fuel storage facility as necessary to fill its mobile fuelers.
 - 3. Authorized operators shall fully comply with the operating procedures of the fuel storage facility including those procedures required to test for contaminated fuel, and EPA, FAA, and Board regulations regarding the handling and dispensing of hazardous materials.
 - 4. Operators authorized to have exclusive use storage space in the fuel storage facility shall perform the following fuel quality tests in

accordance with its use of the fuel storage facility, unless other tests are required by the Board:

- a. Perform periodic “white bucket” tests on fuel samples taken from storage tanks and the filter separators.
- b. Perform daily pressure differential tests to determine the condition of storage tank fuel filters.
- c. Perform monthly filtration (Millipore) tests on fuel stored.
- d. Perform “white bucket” tests on all fuel deliveries prior to placing the fuel into storage. Each compartment of the delivery truck shall be tested before the fuel in that compartment is placed into storage.
- e. Copies of the operators test records and results shall be sent to the Airport Manager monthly.
- f. Evidence of contaminated fuel, fuel storage leaks, system malfunctions, or fuel spills shall be immediately reported to Airport M

2.06 Multiple Commercial Aeronautical Services

The prospective Operator of multiple commercial activities may select a combination of services covered by Section 2.04 of these Minimum Standards and request Board approval to provide services as a Limited Service Operator, or a Full Service Operator as defined below.

Where more than one activity is proposed, the actual building, land, equipment and personnel requirements may have to exceed the minimum space requirements listed for Limited Service Operator and Full Service Operator classifications below in order to ensure that safe and comfortable services are provided for the customer. When determining actual space and other requirements, all doubts, questions or decisions will be resolved in the favor of the customer. Actual space requirements will also be dependent upon:

1. The nature of proposed individual commercial services to be operated combination,
2. The design and configuration of the proposed building, the operator’s expansion plans,
3. The proposed geographic location on the airport, and
4. What has been required of other operators on the airport who provide a similar combination of services.

Further, actual space requirements will not necessarily be the sum of the minimums for each individual aeronautical service in all instances. Because of the above variables, the applicable Minimum Standards on combinations of service will be discussed with the prospective Operator at the time of this application.

A. Limited Service Operator

A person or organization meeting the Minimum Standards of any two (2) or more aeronautical services described in this Section 2, may apply for permission to conduct business as a Limited Service Operator (2nd Entry Level – Exhibit A) on the Black Hills Airport. Limited Service Operators are prohibited from selling fuel or petroleum products and line services. Fuel sales and line services are privileges reserved for qualified Full Service Operators. Minimum facilities required of Limited Service Operators are:

1. Land: A minimum of 4,000 square feet of land on Airport property is required for Limited Service operations not involving Airframe and Powerplant (aircraft maintenance and repair) services, to accommodate buildings, and aircraft parking, equipment, and customer parking. A minimum of 4,000 square feet of land is required of Limited Service operations that include Airframe and Powerplant services. This land need not be the sum of the combined services, so long as a combination can be feasibly used to provide the services proposed. The land area, however, shall not be less than the largest land area required of any one aeronautical service.
2. Buildings: A minimum of 4,000 square feet of total building floor space, including a minimum of 3,600 square feet of hangar, is required of Limited Service operations.

B. Full Service Fixed Base Operator (FBO)

A person or organization meeting the Minimum Standards of the following required aeronautical services as described in this Section 2, may apply for permission to conduct business as a Full Service Fixed Base Operator (3rd Entry Level – Exhibit A) on the Black Hills Airport. Full Service Operator is the only commercial operator classification authorized to sell fuel or petroleum products and provide line services at the airport. Minimum facilities and services required of Full Service Operators are:

1. Aircraft Maintenance and Repair Services

FAA approved repair station,

1. Jet Aircraft (smaller)
2. Twin engine (turbine/reciprocating) aircraft
3. Single engine aircraft

2. Pilot Training: Operator shall own or have available, at all times, at least one (1) aircraft capable of providing each of the following services:
 - a. Basic pilot training (private license – ground school/VFR certification in single engine)
 - b. IFR/Instrument ratings
 - c. Commercial pilot ratings

3. Charter Service (Part 135 Certificate): Operator shall own or have available, at all times, at least one (1) aircraft capable of providing non-scheduled passenger/cargo charter services. Operator shall also provide or coordinate jet aircraft charter services upon request with at least a 5-day notice.

4. Aircraft Rental: Operator shall own or have available, at all times, a minimum of one (1) aircraft equipped for flight under instrument flight rules and conditions. Rental Aircraft will be available for rent to general aviation pilots who meet the FBO criteria for renting aircraft.

5. Commercial Fuel Sales/Line Services: Operator shall have available, at all times, mobile fueling equipment maintained in accordance with State and Federal Regulations. Operator is prohibited from selling fuels or other aviation products to individuals or organizations that plan to resale those products to others at the Black Hills Airport. Operator shall provide, but not be limited to, the following services in a quantity and level of quality to meet the needs of the airlines and general aviation:
 - a. Aviation fuel sales for end user consumption
 - b. Into-plane Airline Fueling
 - c. Associated aviation line (ramp) services including, but not limited to:
 - Aircraft deicing
 - Aircraft preheating/starting
 - Aircraft towing/parking
 - Pilot supplies
 - Aircraft meeting/greeting
 - Tie down services
 - In/out hangar services
 - Aircraft washing
 - d. Board shall retain the exclusive right to provide all fuel storage, all fuel sales on the Airport to other individuals or other organizations who intend to resale the product to others at the Airport, and all fuel sales to aircraft owners who desire to self-fuel their own aircraft at the airport using approved mobile fuel trucks. All fuel brought onto the Airport shall be processed through the Board's fuel storage facility.

FBO and Board quality control personnel will ensure that the quality of all outgoing fuel is consistent with airline fueling, and Airport Fire Safety/Standards.

6. Aircraft Hangar/Tie-down Services: Operator shall provide space as available for the storage of aircraft visiting or based at the Airport on a first come, first serve basis.
7. Additional Services: Operator shall arrange for, or provide, the following services:
 1. Avionics repair
 2. Propeller repair
 3. Aircraft painting
 4. Aircraft Engine Rebuilding (Recip/Turbine)
8. Marketing/Promotion: Operator must demonstrate the ability to develop and maintain a marketing and promotion program in an effort to market Black Hills general aviation services on a regional, national, and international basis.
9. Hours of Operation
 - a. Fuel and Line Services: Operator agrees to have qualified staff available in levels necessary to meet airline and public fuel and line service needs 7 days a week, as necessary, to meet the aircraft fueling demand at the Airport or at operating hours mutually agreed to by both parties. Operator shall arrange for emergency on-call service during periods of closure.
 - b. Aircraft Maintenance, Repair, Pilot Training Services: Operator agrees to have qualified staff available a minimum of eight (8) hours per day, five (5) days per week, for the purpose of providing aircraft maintenance, repair, pilot training, and other services to the general public, with provisions for emergency on-call service for aircraft maintenance during nights, weekends, and holidays.
10. Future Development and Expansion: The Operator represents that it has, and will continuously maintain, the knowledge and experience to work in partnership with the Board in the further expansion and development of general aviation services (quality and quantity).

11. Required Facilities

- a. Land: A minimum of 45,000 contiguous square feet of land on Airport property is required for Full Service FBO operations to accommodate buildings, and aircraft, equipment, and customer parking.
 - b. Buildings: A minimum of 14,000 square feet of building space is required to include hangars, shops, offices, classrooms, a pilots lounge, public restrooms, a flight planning/weather information area, and public telephones. A minimum of 12,000 square feet of hangar is required.
12. Maintenance: All of the Operator's aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.07 Termination or Modification of Commercial Operating Authorization

The Board's prime objective in granting permission to conduct commercial services at the airport is to meet the aviation needs of the public. The Board reserves the right to immediately terminate the Operator's commercial operating authority, or reduce the Operator's operating authority to that of a lower operating classification, as detailed in Exhibit A, if the Operator reduces its service activities to a level that is less than the required services or the quality and/or quantity of required services, in the Board's sole opinion, deteriorates to a level at which the service fails to meet the operating needs of the aviation public.

SECTION 3 - GROUND TRANSPORTATION SERVICES

This section reserved for On-Airport Car Rental Concession

SECTION 4 – FLYING CLUBS: (Ref: FAA Order 5190.6A/Appendix 8)

This section reserved for Flying Clubs

SECTION 5 – PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE WITH
MINIMUM STANDARD REQUIREMENTS

5.01 Failure to Comply with Minimum Standards of the Board

All persons upon Airport property, except those whose presence is specifically authorized and/or mandated by federal or state law, shall be considered as business invitees or guests of the Board. In the event a failure to maintain compliance with any of these Minimum Standards, the authorization of any and all commercial activities may be terminated by the Airport Board President, subject to board approval.

5.02 Authority of the Airport Board President

The Board hereby vests power and authority in the Airport Board President or his designee to enforce these Minimum Standards and otherwise to perform all acts which may be necessary and proper for the safe and efficient operation of the Airport. Failure on the part of any person to immediately comply with any reasonable request and direction of the Airport Board President or his designee shall be grounds for the ejection or removal of such persons from the Airport in any lawful and reasonable manner.

5.03 Termination of Lease

The Board, at its discretion, reserves the right to terminate the lease of any tenant found to be in violation of these Minimum Standards.

5.04 Civil Remedy or Criminal Prosecution

The board, in its discretion, reserves the right to commence any civil action or suit or file a complaint for criminal prosecution against any person or persons violating any Minimum Standard which causes injury or damage to person or property or if such violation appears to constitute the commission of a criminal act or breach of Airport security.

5.05 Liability for Fines

Any person whose act, or failure to act, results in a fine or penalty being assessed against the Black Hills Airport or the Airport Board by any governmental agency having jurisdiction including security, safety, and environmental, or the FAA shall be fully liable for the payment or reimbursement of such fine or penalty in addition to the costs associated with the restitution, repair, or clean-up of conditions resulting from such violations.

ADOPTED

March 3,2004
Adopted as Ordinance 10-____

EFFECTIVE DATE:

Effective date: