

POLICY NO. MINST723-12 - MINIMUM STANDARDS

DIVISION 1. – GENERAL MINIMUM STANDARDS

DIVISION 2. - MINIMUM REQUIREMENTS FOR AERONAUTICAL SERVICES

POLICY NO. MINST723-12 - MINIMUM STANDARDS

DIVISION 1. - FIXED BASE OPERATORS

- Sec. 3-90. - Organized business with lease required.
- Sec. 3-91. - Classification "full" for sale of petroleum products; qualification for other activity.
- Sec. 3-92. - Classification "limited."
- Sec. 3-93. - Basic requirements for all fixed base operators; determining conformance.
- Sec. 3-94. - Soundness of aeronautical activities.
- Sec. 3-95. - Protection from damages, claims and liability.
- Sec. 3-96. - Construction standards.
- Sec. 3-97. - Availability of land.
- Sec. 3-98. - Contracts and leases subordinate to agreements.
- Sec. 3-99. - Compliance with law.
- Sec. 3-100. - Subletting; assigning leases.
- Sec. 3-101. - Approval of additional or lesser services.
- Sec. 3-102. - Use of ramp space restricted.
- Sec. 3-103. - Report of based aircraft and number of operations.
- Sec. 3-104. - Rates and charges.
- Sec. 3-105. - Safe, etc., conduct of business.
- Sec. 3-106. - Providing service to all.
- Sec. 3-107. - Repair of damaged airport property; maintenance of leased property.
- Sec. 3-108. - Providing waiting room, etc., by "full" operator.
- Sec. 3-109. - Reserved.

Sec. 3-90. - Organized business with lease required.

All fixed base operators at the airport shall be full-time progressive business enterprises, with manned office facilities at the airport during normal business hours. No fixed base operator shall be allowed to perform any aeronautical activity at the airport without a fully executed lease and/or license and operating agreement with the Airport Authority. (Ord. No. 324, § 3-1, 6-24-85)

Sec. 3-91. - Classification "full" for sale of petroleum products; qualification for other activity.

Fixed base operators providing sale of aviation petroleum products shall be designated as full fixed base operators and shall also be required to meet the minimum standards and offer the services listed herein and in all regulating documents. Such full fixed base operators may, at their option and with the approval of the Airport Authority, engage in other aeronautical activities by qualifying to meet the associated minimum standards for the aeronautical services involved.

(Ord. No. 324, § 3-2, 6-24-85)

Sec. 3-92. - Classification "limited."

No person or fixed base operators other than full fixed base operators or the Airport Authority, as described herein will be permitted to sell aviation petroleum products. All other fixed base operators shall be designated as limited fixed base operators. Such limited fixed base operators may engage in such other aeronautical services as they may qualify themselves for in accordance with these regulations and their lease agreement.

(Ord. No. 324, § 3-3, 6-24-85)

Sec. 3-93. - Basic requirements for all fixed base operators; determining conformance.

The following sections of this division contain basic requirements for all fixed base operators. The Airport Authority shall determine substantial conformance to the standards for fixed base operators.

(Ord. No. 324, § 3-4, 6-24-85)

Sec. 3-94. - Soundness of aeronautical activities.

All aeronautical service activities at the airport shall be financially sound and progressive enterprises, with adequately manned and equipped facilities, and shall observe normal or specifically required business hours. An application by the chief executive of the enterprise will be submitted to the Airport Authority and include a completed application form provided by the Airport Authority containing, at a minimum, financial balance sheets, credit references and other proof of financial solvency and business ability, as deemed necessary by the Airport Authority shall be provided to the city, on demand, in order to demonstrate both the technical and financial ability to perform aeronautical service activities.

(Ord. No. 324, § 3-5, 6-24-85)

Sec. 3-95. - Protection from damages, claims and liability.

All fixed base operators shall protect the general public, the customers or clients of such FBO, the city and the Airport Authority and the City of Gulf Shores from all lawful damages,

claims or liability, and the FBO shall carry comprehensive liability insurance in a company authorized to do business in the state, protecting against personal injury and property damage, on a per occurrence basis, in such amounts as may be determined from time to time by the Airport Authority and the City. A certificate of insurance evidencing the same and required coverage shall be delivered to the airport manager and the Airport Authority prior to or at the time of any lease of airport property. The certificate of insurance shall also provide that the Airport Authority will be notified by the insurance company, in writing, ten (10) days in advance of any cancellation of such insurance. (Ord. No. 324, § 3-6, 6- 24-85)

Sec. 3-96. - Construction standards.

All construction required by aeronautical service activities at the airport shall be in accordance with engineer required airport design and the current coastal wind load criteria of construction standards required or established by the City with prior approval by the Airport Authority , and approved by the FAA, for the facility or activity involved, and as required under the minimum standards for the type of services to be performed. All building structures proposed to be located on airport property must submit a Form 7460-0-1 to the FAA for an air study and receive a "Determination of No Hazard to Air Navigation" from the FAA PRIOR to the commencement of construction. All operators shall be required to furnish the Airport Authority payment or performance bonds commensurate with any construction required in the standards herein fixed, or under any contract or lease by and between such operator and the Airport Authority. (Ord. No. 324, § 3-7, 6- 24-85)

Sec. 3-97. - Availability of land.

Land available for commercial aeronautical activities is a valuable and limited commodity. It is the policy of the Airport Authority that no land areas or building space in excess of present or foreseeable requirements will be leased to any fixed base operator. Additional areas may be made available to operators on the basis of need and availability. (Ord. No. 324, § 3-8, 6-24-85)

Sec. 3-98. - Contracts and leases subordinate to agreements.

All contracts and leases between such operators and the Airport Authority shall be subordinate to the provisions of any existing or future agreement between the City of Gulf Shores, Airport Authority and the United States and/or the State of Alabama , relative to the operation or maintenance of airports, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds and/or state funds for the development of airport property. (Ord. No. 324, § 3-9, 6-24-85)

Sec. 3-99. - Compliance with law.

All FBO's and aeronautical service operators shall abide by and comply with all state and county laws and ordinances, rules and regulations of the Airport Authority, the City, and the rules and regulations of the State and the Federal Aviation Administration which may be amended from time to time. (Ord. No. 324, § 3-10, 6-24-85)

Sec. 3-100. - Subletting; assigning leases.

No fixed base operator or aeronautical service operator shall sublease or sublet any premises

leased by such operator from the Airport Authority, or assign such lease, without prior written approval by the Airport Authority, and such subletting or assignment shall be subject to all the standards set forth herein. (Ord. No. 324, § 3-11, 6-24-85)

Sec. 3-101. - Approval of additional or lesser services.

No FBO may extend into additional aeronautical services, or discontinue any aeronautical services, without first notifying the Airport Authority through the airport manager, in writing, and obtaining approval for such additional or discontinued service from the Airport Authority in writing. (Ord. No. 324, § 3-12, 6-24-85)

Sec. 3-102. - Use of ramp space restricted.

Ramp space, other than such ramp space specifically leased or assigned to an FBO, shall be for the use of the general public only. No FBO shall be permitted to use public areas of the ramp for such operator's exclusive use or to use any such area as an exclusive use tie-down area.

(Ord.No. 324, § 3-13, 6-24-85)

Sec. 3-103. - Report of based aircraft and number of operations.

All full FBO's shall provide the airport manager with a current list containing the number, types and identification of all based aircraft and the number of operations per month upon request.

(Ord. No. 324, § 3-14, 6-24-85)

Sec. 3-104. - Rates and charges.

The rates and charges for all activities and services of such operators shall be determined by the operators, subject to the approval of the Airport Authority, and subject further, to the requirements that all charges and rates be reasonable and equally and fairly applied to all users of the services. A current list of all charges and rates of all services shall be provided to the airport manager upon request.

(Ord. No. 324, § 3-15, 6-24-85)

Cross reference— Airport charges and fees, § 3-160 et seq.

Sec. 3-105. - Safe, etc., conduct of business.

All FBO's shall conduct their activities and render services in a safe, courteous, responsible and efficient manner and shall be solely responsible for all of the acts of their agents and/or employees, and shall save and hold the Airport Authority and the City harmless from any act of the operator, its agents and/or employees. (Ord. No. 324, § 3-16, 6-24-85)

Sec. 3-106. - Providing service to all.

All fixed base operators shall provide services to the general aviation public, aircrews and users of the airport. Aeronautical services shall not be denied to any person in an arbitrary or discriminatory manner, or without due cause. (Ord. No. 324, § 3-17, 6-24-85)

Sec. 3-107. - Repair of damaged airport property; maintenance of leased property.

All FBO's shall be responsible for the repair of all damage to airport property caused by or as a result of their activities, including the costs for such repairs. All property leased from the Airport Authority shall be maintained in accordance with stipulated maintenance requirements of the Lease agreement and in a general state of good repair.

(Ord. No. 324, § 3-18, 6-24-85)

Sec. 3-108. - Providing waiting room, etc., by "full" operator.

All full FBO's shall maintain and make available a conveniently located and comfortably heated/cooled waiting room for passengers and crew members of itinerant aircraft including sanitary restrooms, public telephones, office space, flight planning facilities and vending machine refreshments. (Ord. No. 324, § 3-19, 6-24-85)

Sec. 3-109. - Reserved.

POLICY NO. MINST723-12 - MINIMUM STANDARDS

DIVISION 2. - MINIMUM STANDARDS FOR AERONAUTICAL SERVICES

Sec. 3-110. - Sale of aviation petroleum products.

Sec. 3-111. - Ramp areas and services.

Sec. 3-112. - Aircraft, power plant and accessory maintenance.

Sec. 3-113. - Flight training activities.

Sec. 3-114. - Aircraft charter and taxi operator.

Sec. 3-115. - Radio and instrument repair.

Sec. 3-116. - Crop dusting, spraying and seeding.

Sec. 3-117. - Aircraft sales.

Sees. 3-118, 3-119. - Reserved.

As required in these Minimum Standards, no business shall be allowed to perform any aeronautical activity at the airport without a fully executed lease agreement with the Airport Authority, including a provision requiring such business to comply with minimum standards for such aeronautical activities. This Policy establishes the minimum requirements, with the following objectives:

- (a) To apply standards to all providers of aeronautical services, including Full Fixed Base Operators and Limited Fixed Base Operators.
- (b) To impose conditions which ensure the safe and efficient operation of the airport in accordance with FAA regulations.
- (c) To ensure that standards are reasonable, not unjustly discriminatory, attainable, uniformly applied and reasonable protect the investment of providers of aeronautical services to meet minimum standards from competition not making similar investment.
- (d) To ensure that standards are relevant to the activity to which they apply; and
- (e) To ensure that standards provide the opportunity for newcomers who meet the minimum standards to offer their aeronautical services within the market demand for such services.

This policy contains certain aeronautical terms which are defined in Chapter 3 (Airport) of the City of Gulf Shores Code. The policy displays these terms in bold font, followed by references to the appropriate Section of the City Code shown in italics and contained in parenthesis.

This policy contains references to certain Federal Aviation Regulations (FAR's) which are contained in Title 14 (Aeronautics and Space), Chapter 1 (Federal Aviation Administration), of the United States Government, which is further subdivided into Subchapters (general in nature) and Parts (explicit in nature). This policy omits reference to Title 14 and Chapter 1 since they are universal for all FAR's. This policy, however, includes references to either Subchapters or Parts, depending on whether the minimum standards are intended to provide the operators with general guidance (Subchapters) or with explicit limitations (Parts).

Sec. 3-110. - Sale of aviation petroleum products.

Full Fixed Base Operators are required to sell aviation petroleum products. The Minimum Standards for this activity are as follows:

- (a) Establish and maintain suitable and adequate above ground storage tanks within a designated land area approved by the Airport Authority for Jet A jet fuel and 100LL Avgas. Each tank shall have a minimum capacity of ten thousand (10,000) gallons.
 - (b) Provide mobile fueling trucks and fixed pumping equipment, to meet all applicable safety requirements, with reliable and accurate metering devices, capable of servicing all aircraft commonly using the airport. Such equipment and be to independent inspection by the Airport Authority.
 - (c) Comply with all Federal, State and local rules and regulations and satisfy all safety requirements established by the Airport Authority, regarding the operations of a fuel storage facility.
 - (d) Have qualified personnel on full-time duty during daylight hours seven (7) days a week and available within (1) hour at all other times.
 - (e) Subcontracting of this activity is prohibited
 - (f) Comply with all EPA Federal, State and local rules and pricing regulations regarding the operations of a fuel storage facility and maintain current SPCC and compliance with all environmental, local, state and federal rules and Airport Authority regulations regarding the operations of fuel tanks and equipment.
- (Ord. No. 324, § 4-1, 6-24-85)

Sec. 3-111. - Ramp areas and services.

Full Fixed Base Operators are required, and Limited Fixed Base Operators may be allowed, to provide and/or manage ramp areas and services. The Minimum Standards for this activity are as follows:

- (a) Provide minor maintenance services for piston- turbine- and jet- powered aircraft commonly using the airport, including possession of necessary equipment, supplies and tools for tire repair and towing of these aircraft, i.e., compressed air and other supplies as may be required to serve the types of aircraft using the airport.
- (b) Provide and/or manage suitable parking areas and adequately equipped tie-down areas for temporarily accommodating transient piston- turbine- and jet- powered aircraft commonly using the airport, including the capability of safely moving these aircraft in compliance with local regulations. The location and type of these parking and tie-down areas shall be pre-approved by the Airport Authority.
- (c) Provide suitable hangars to meet the demands for permanently sheltering or storing aircraft based at the airport. The location and type of these hangars shall be pre-approved by the Airport Authority.
- (d) Have qualified personnel on full-time duty during daylight hours seven (7) days a week and available within (1) hour at all other times.
- (e) Subcontracting of this activity is prohibited.

- (f) Shall keep all ramp areas free of equipment and debris with clear access to all taxiways and runways for all air traffic.

(Ord. No. 324, § 4-2, 6-24-85)

Sec. 3-112. - Aircraft, power plant and accessory maintenance.

Full Fixed Base Operators are required, and Limited Fixed Base Operators may be allowed, to provide aircraft maintenance services. The Minimum Standards for this activity are as follows:

- (a) Provide major maintenance services required to maintain aircraft in an “airworthy” condition, as required by FAR Subchapter C: Aircraft (appropriate Parts), as well as the Aircraft Technical Manual prepared by the aircraft manufacturer for the specific aircraft involved. These services shall include periodic inspections, preventative maintenance and corrective maintenance for piston- and turbine- powered aircraft commonly using the airport.
 - (b) Maintain inventories of components, parts and other supplies necessary to satisfy the demand for these services at the airport.
 - (c) Provide capability for the safe removal of non-airworthy aircraft from the airport premises within thirty (30) days following notice, as well as disabled aircraft from airport runways, taxiways and ramps as soon as permitted by FAA and Airport Authority. This capability shall include either access to, or provision of, suitable equipment such as tractors, tow bars, jacks, dollies or other equipment necessary to move aircraft of gross weight of 12,500 (12,500) gross weight or less.
 - (d) Have and adequate number of qualified personnel on full-time duty during daylight hours seven (7) days a week and available within (1) hour at all other times to satisfy the demand for these services at the airport. Qualifications shall include Aircraft Maintenance Technician Certification pursuant to FAR Subchapter H: Schools and other Certified Agencies (appropriate Parts).
 - (e) Subcontracting of this activity is prohibited.
 - (f) If engaged in painting aircraft, the fixed base operator shall provide space and equipment to meet all applicable state and local safety requirements for the painting of aircraft.
- (Ord. No. 324, § 4-3, 6-24-85)

Sec. 3-113. - Flight training activities.

In order to operate a flight training activity, an operator shall have available a sufficient number of properly rated and licensed personnel (minimum of one (1) certified flight instructor) and equipment, appropriate for the types of training and ratings for which there is a demand. There shall also be available a minimum of one (1) single engine aircraft capable of providing basic and instrument flight training and/or one (1) multiengine aircraft compatible with the training required. Full Fixed Base Operators and Limited Fixed Base Operators may be allowed, to provide flight training services. The Minimum Standards for this activity are as follows:

- (a) Provide training necessary to satisfy the FAA certification requirements for Private Pilot and Commercial Pilot License categories for both single engine and multiengine aircraft, as well as Instrument Rating for both aircraft. Full Fixed Base Operators shall be required to provide this service pursuant to two regulations: FAR Part 61 (informal training); and FAR Part 141 (formal school). Limited Fixed Base Operators shall be required to provide this service only pursuant to FAR Part 61.
 - (b) Comply with the Airport Standard Traffic Pattern requirements as prescribed in Sec.3-72 of Chapter 3 (Airport) of the City of Gulf Shores Code. Such requirements may include alterations made for any purpose, including the mitigation of noise in areas surrounding the airport. Notification of any alterations will be provided in writing by the Airport Authority.
 - (c) Maintain the necessary aircraft and on-board equipment required to satisfy these licensing and rating requirements. Full Fixed Base Operators and Limited Fixed Base Operators both shall be required to maintain one (1) single-engine simple aircraft, one (1) single-engine complex aircraft, and one (1) multiengine aircraft.
 - (d) Maintain the necessary radio and avionics equipment to satisfy the training requirements for these certifications and aircraft. Also, maintain the necessary training equipment and supplies required to satisfy these licensing and rating requirements, including mock-ups, flight simulators, textbooks, sectional maps, approach plates, etc.
 - (e) Have an adequate number of qualified personnel on full-time duty during daylight hours seven (7) days a week and available for pre-set appointments with students at other times to satisfy the demand for these services at the airport. Qualifications shall include the proper FAA Certified Flight Instructor Licenses and Ratings for the type of training services provided, in accordance with FAR Subchapters D: Airmen (appropriate Parts).
 - (f) Subcontracting of this activity with an FAA-approved flight school is permitted, with the approval of the Airport Authority.
- (Ord. No. 324, § 4-4, 6-24-85)

Sec. 3-114. - Aircraft charter and taxi operator.

Full Fixed Base Operators and Limited Fixed Base Operators may be allowed, to provide aircraft charter and taxi services. The Minimum Standards for this activity are as follows:

- (a) Provide transportation for passengers and cargo in accordance with the requirements of FAR Part 135.
- (b) Maintain a minimum of two (2) aircraft as required for the type of demand at the airport, which are currently certified and continuously airworthy. These aircraft may be leased from another party, but shall be under the exclusive use of the operator.
- (c) Maintain sufficient space for the efficient operation of this service, including ramp space for parking, loading and unloading the aircraft, hangar space for sheltering and storing the aircraft, and terminal space for passenger check-in and ticketing, luggage and cargo

processing, offices, restrooms and ground transportation. For Full Fixed Base Operators providing this service, these space requirements do not need to be in addition to facilities already available if adequate to support both activities.

- (d) Have adequate qualified personnel on full-time duty during daylight hours seven (7) days a week and available for pre-set operations with passengers and/or cargo at other times. Qualifications shall include a Commercial Pilot License issued pursuant to FAR Subchapters D: Airmen (appropriate Parts) and Certification for Air Taxi/Charter Operations issued pursuant to FAR Part 135.
- (e) Subcontracting of this activity with an FAA-approved air taxi/charter operator is permitted, with the approval of the Airport Authority.
(Ord. No. 324, § 4-5, 6-24-85)

Sec. 3-115. - Radio and instrument repair.

Full Fixed Base Operators and Limited Fixed Base Operators may be allowed, to provide radio and instrument repair services. The Minimum Standards for this activity are as follows:

- (a) Provide radio and instrument repair services in accordance with FAR Subchapter C: Aircraft (appropriate Parts).
- (b) Maintain adequate inventories of electronic and avionic products to satisfy the demand for these services at the airport.
- (c) Maintain adequate space for performance of these services, including parking and hangar space for aircraft, shop space for technicians, and office space for administration.
- (d) Have adequate qualified personnel on full-time duty during daylight hours seven (7) days a week and available within one (1) hour for services required on emergency basis to satisfy the demand for these services. Qualifications shall include FAA Certification as Avionics Technician, issued pursuant to FAR Subchapter H: Schools and other Certified Agencies (appropriate Parts). For servicing of transmitting equipment – radios, radars, antennas - qualifications also shall include an FCC Radiotelephone License.
- (e) Subcontracting of this activity with an FAA-approved air taxi/charter operator is permitted, with the approval of the Airport Authority.
(Ord. No. 324, § 4-6, 6-24-85)

Sec. 3-116. - Crop dusting, spraying and seeding.

Storage, transfer or containment of noxious and/or toxic materials on the airfield is prohibited.

Sec. 3-117. - Aircraft sales.

Full Fixed Base Operators and Limited Fixed Base Operators may be allowed, to provide aircraft sales services. The Minimum Standards for this activity are as follows:

- (a) Provide aircraft sales services to satisfy the demand for these services at the airport. These services may be performed as a manufacturer's representative and/or as broker between buyer and seller.

- (b) For manufacturer representative activities, maintain a minimum of one (1) or more airworthy aircraft for sale, as required by the manufacturer.
- (c) Maintain adequate space for these services, including office space for administration and hangar space for storage of aircraft for sale.
- (d) Have qualified personnel on full-time duty during daylight hours seven (7) days a week and available within one (1) hour for services required on an on-call basis. Qualifications shall include prior experience as a sales representative for brokerage activities and appointment as a manufacturer's representative, both as approved by the Airport Authority.
- (e) Subcontracting of this activity is prohibited.
(Ord. No. 324, § 4-8, 6-24-85)

Secs. 3-118, 3-119. - Reserved.