

MINOT INTERNATIONAL AIRPORT

MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES

Minimum Standard for Commercial Aeronautical Activities
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INTRODUCTION

The Minot International Airport (“Airport”) is the primary commercial and general aviation air transportation facility for the City of Minot (“City”), Ward County and the Northwestern half of North Dakota. The airport is owned by the City of Minot and daily operations of the Airport are overseen by the Airport Director, who is hired by the City.

The Minimum Standards for Commercial Aeronautical Activities (“Standards”) have been developed and adopted to protect and promote in a reasonable manner the best interests of the public by requiring a minimum level and quality of products, services and facilities required of commercial aeronautical businesses at the Minot International Airport. These Standards are designed to provide reasonable opportunity, without unjust discrimination, for the non-exclusive conduct of commercial aeronautical activities at the airport.

The City reserves the right to review and amend these Standards from time to time and may promulgate revisions deemed necessary to address proposed aeronautical activities or to protect or improve the Airport or the quality of service provided to the public. These Standards are not retroactive and do not bear on or affect any unexpired written agreement or lease properly executed prior to the date of adoption and approval of these Standards unless provided for within written agreement or lease. Renewal of any agreement shall trigger compliance with the adopted Minimum Standards.

It should be emphasized that this document specifies the Minimum Standards that must be met to conduct Commercial Aeronautical Activities at the Airport. Applicants and Operators are encouraged to exceed these minimums whenever possible.

GENERAL

- A. No local based entity shall engage in any Commercial Aeronautical Activity or business of any nature whatsoever on the Airport property, except with the prior written approval of the City. No entity shall engage in any non-aeronautical activity except those who have met the conditions set by the FAA and pay the City fair market value for the use of the property devoted to that non-aeronautical activity.
- B. Such written approval by the City is issued through either a signed lease agreement with the City if land and/or facilities are leased from the City, or a written agreement as defined within these Standards if the activity will be operating under a sublease from an existing Airport tenant.
- C. In the event these Standards, as they now exist or are hereafter amended, conflict with applicable Federal Aviation Regulations, the latter shall be deemed to control. If one or more clauses, sections or provisions of these Standards shall be held to be unlawful, invalid or unenforceable by final judgement of any court or competent jurisdiction, the

invalidity of such clauses, sections or provisions shall in no way affect any other clauses, sections or provisions of these Standards.

- D. These Standards do not pertain to scheduled commercial air carrier operations under Federal Aviation Regulation 14CFR Part 121 or to military operations.
- E. All activities at the Minot International Airport are subject to and must comply with all existing and future applicable laws, ordinances, Rules and Regulations of the Minot International Airport, the City of Minot, the State of North Dakota, the Federal government and all other governmental bodies having jurisdiction.

SECTION I – DEFINITIONS

- A. *Aeronautical Activity* – Any activity conducted on Airport property which involves or makes possible the operation of aircraft or which contributes to or is required for the safe operation of aircraft. Examples include, but are not limited to: aircraft charter, flight training, aircraft rental and sightseeing, aerial photography, aircraft deicing, aircraft ground handling, aircraft management, aerial application, aircraft sales, aircraft manufacturing/restoration, sale of aviation petroleum products, baggage handling, repair and maintenance of aircraft and sale of aircraft parts.
- B. *City Council* – Referred to as the “Council”, means the governing authority for the City of Minot created and authorized under ARTICLE II of the City Code of Ordinance.
- C. *Airport Committee* – Appointed committee under ARTICLE II Section 2-17 of the City Code of Ordinance to review and make recommendations to the City Council.
- D. *Airport Layout Plan* – The current approved, scaled dimensional layout diagram of the entire Airport property, indicating current proposed usage from each identifiable segment as approved by the Federal Aviation Administration and the City of Minot.
- E. *Commercial Aeronautical Activity* – Any aeronautical activity which involves or makes possible the operation of aircraft, the purpose of such activity being to secure income, earnings, compensation or profit, whether or not such objectives are accomplished. Commercial Aeronautical Activities which shall be subject to these Minimum Standards include, but are not limited to, the following aeronautical and ground transportation activities: aircraft sales, aircraft manufacturing/restoration, airframe or powerplant repair, aircraft rental, flight training, air taxi/charter, aircraft deicing, aircraft ground handling, aircraft management, fractional aircraft programs, avionics, instrument or propeller service, commercial flight services, car rental or baggage handling.
- F. *Director* – Means the Airport Director or Manager or his/her designee of the Minot International Airport as appointed by the City of Minot and is tasked by the City of Minot with the authority to enforce these Minimum Standards.

- G. *Entity* – A person, persons, firm, partnership, limited liability company, unincorporated proprietorship, association, group or corporation.
- H. *Full Service Operator* – A Full Service Operator (FSO) is any Entity who shall have entered into a written agreement with the City to provide on the Airport and serve the public with full service commercial aeronautical activities including the sale of fuel and other petroleum products, aircraft towing and storage, tie-down services, baggage handling, deicing, aircraft meeting/greeting, aircraft maintenance, aircraft charter, flight training and aircraft rental, and other specialized aircraft services.
- I. *Into-plane fueling* – The process of providing fuel transfer services to an airline.
- J. *Minimum Standards* – Qualifications established by the City of Minot as the minimum requirements to be met as a condition for the right to conduct a Commercial Aeronautical Activity on the Airport.
- K. *Minot International Airport* – Referred to as the “Airport”, means the property allocated for the operation of the Minot International Airport in the City of Minot, State of North Dakota, as depicted on the current Airport Layout Plan.
- L. *Multiple Service Operator* – A Multiple Service Operator (MSO) is any Entity who shall have entered into a written agreement with the City to provide on the Airport and serve the public with multiple Commercial Aeronautical Activities. Multiple Service Operators may choose to work under the partnership of a Full Service Operator (FSO). MSO is not an entry level service operator and should have experience in their field of business. Any combination of the following services can be provided by an MSO (the sales of fuel is not included with an MSO); Airframe and Powerplant Repair (aircraft maintenance & repair), Flight Instruction, Aerial Application, Air Taxi and Charter Services, aircraft manufacturing/restoration, Specialized Aircraft Services (Avionics, Instrument, and/or Propeller Repair), and Commercial Aircraft Storage.
- M. *Non-Commercial Flying Club* – Any combination in which three or more persons are associated (directly or indirectly) as individuals or as any association or legal Entity to provide such persons the privilege of piloting club-owned aircraft based on the Airport. The flying club shall be operated on a non-profit basis so that it does not receive greater revenue than the amount necessary for the operation, maintenance, acquisition and replacement of its aircraft. The non-profit status shall be substantiated by documentary proof from the Internal Revenue Service.
- N. *Operator* – Any individual, firm, partnership, corporation, person, Operator, association or company and includes trustee, receiver, assignee or similar representative thereof desiring to engage in an aeronautical activity.
- O. *Rules and Regulations* – The Rules and Regulations as may be promulgated and adopted from time to time by the City to protect the public health, safety, interest and welfare of the Minot International Airport.

- P. *Single Service Operator (SSO)* – A single service Operator (SSO) is any Entity who shall have entered into a written agreement with the City to provide on the Airport and serve the public with a single Commercial Aeronautical Activity. Single service Operators who may choose to work under the partnership of a Full Service Operator (FSO) are considered entry level experienced businesses. However, some experience is recommended. Any one of the following services can be provided by an SSO (the sales of fuel is not included with an SSO); Airframe and Powerplant Repair (aircraft maintenance & repair), Flight Instruction, Aerial Application, Air Taxi and Charter Services, Specialized Aircraft Services (Avionics, Instrument, and/or Propeller Repair), aircraft manufacturing/restoration, Air Cargo Operations and Handling, and Commercial Aircraft Storage.
- Q. *Self Fueling* – The fueling of an aircraft, by the aircraft owner or his/her employee, with the owner’s fuel, as specifically approved by the City, using resources supplied by the aircraft owner.
- R. *Self Service Fueling* –the fueling of an aircraft by the pilot using commercial fuel pumps installed for that purpose. The fueling facility may or may not be attended by the vendor.

SECTION II – APPLICATION REQUIREMENTS

Applications for permission to conduct any Commercial Aeronautical Activity or for a land or facility lease to conduct such activity at the Airport shall be made in writing to the Airport Director. Applicants are strongly encouraged to visit with the Airport Director to discuss the applicant's proposed activity prior to the preparation and submission of a detailed application (See application in Appendix A).

The applicant shall submit all information and material necessary or requested by the City to establish, to the City's satisfaction, that the applicant will qualify and comply with these Standards. At a minimum, such applications must include all of the following:

1. Name, mailing address and phone number of applicant(s).
2. Type and structure of the organization; if incorporated, the names of the officers; if a partnership, the names of the partners.
3. Individual or business name and mailing address to appear on the lease or agreement.
4. A statement of past experience in the specified aviation business or commercial activity for which the application is being made.
5. A list of any applicable Federal, State or local certifications and licenses currently held or to be obtained. Include copies of currently held licenses or certificates.
6. A description of the amount of land, number of buildings, building space, etc. the applicant desires to lease. If the activity will be conducted under a sublease from an existing leaseholder, a copy of the proposed sublease must be provided.
7. A description of the services to be offered and a business plan, including all of the intended services upon completion of the installation of the facility.
8. Proposed commencement date of the proposed construction or site improvements, proposed completion date and proposed date of commencement of operations.
9. A description of the building space to be constructed, including square footages, building types and intended use of each.
10. The estimated total cost of construction and improvements.
11. A site plan drawing depicting construction intended for the lease area (must be compatible with the Airport's current Airport Layout Plan).
12. The hours of operations and number of employees.

13. The number and type of aircraft to be based upon the leasehold to be leased or subleased by the Operator.
14. Provide a certificate of insurance or other satisfactory evidence of the ability to obtain insurance coverage as required in Section VII.
15. Provide an approved copy of the FAA Form 7460.

If requested by the City, the applicant shall also submit the following supporting documentations:

1. Financial Statements – A current financial statement prepared or certified by a Certified Public Accountant.
2. Assets – A written listing of the assets owned or to be purchased and utilized in conjunction with the commercial activity at the Airport.
3. Credit Report – A current credit report covering all areas in which the applicant has done business within the last ten years.
4. References – A list of persons or businesses for which the City has the authorization to contact.
5. Authorization for release of information – A written authorization for the Federal Aviation Administration, all aviation or aeronautic commissions, administrators, or departments of states in which the applicant has engaged in aviation business to supply the City with all information in their files relating to the applicant or its operation. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies.

SECTION III – GENERAL CONDITIONS AND REQUIREMENTS

The following general conditions and requirements will be included in all Commercial Aeronautical Activity leases or any written agreement under these Standards. These are basic clauses only and more specific clauses, covenants and language, dependent upon the particular activity authorized by the City, may be included in the lease or agreement under Standards:

- A. NON-DISCRIMINATION: Premises are to be operated for the use and benefit of the public. Non-discrimination means:
1. To furnish good, prompt and efficient services adequate to meet the demands for its service at the Airport;
 2. To furnish said service without unjust discrimination to all users thereof;
 3. To charge reasonable prices, without unjust discrimination, for each unit of sale or service, provided that the Operator may be allowed to make reasonable discounts, rebates or other similar types of price reductions to volume purchasers;
 4. The Operator, his agents and employees will not discriminate against any person or class of persons by reason of race, color, creed or national origin in providing any services in the use of any of its facilities provided for the public in any manner. The Operator further agrees to comply with enforcement procedures as the United States might demand that the City take in order to comply with the Airport's Federal Assurances.

B. AIRCRAFT SERVICE BY OWNERS OR OPERATORS OF AIRPORT

It is to be clearly understood by all Operators under these Standards that no right or privilege has been granted which would serve to prevent other aircraft owners or Operators (commercial or non-commercial) on the Airport from performing any service on their own aircraft. This does not preclude the Operator under these Standards from restricting the activities of others on its own leasehold.

C. NON-EXCLUSIVE RIGHT

The granting of rights and privileges to engage in Aeronautical Activities shall not be construed in any manner as affording the Operator any exclusive right of use of the premises and/or facilities at the Airport, other than those premises and/or facilities which may be assigned exclusively to the Operator, and then only to the extent provided in a signed lease agreement or written agreement.

D. AIRPORT DEVELOPMENT

The City reserves the right to further develop or improve the landing area of the Airport as it seems fit, including the right to use or take property under lease with just and reasonable compensation.

The City of Minot is not obligated to provide or construct public ramp/apron or connecting taxiways for commercial Operators. Further, the City's ability to construct such ramp/apron or taxiway facilities is limited to the availability of funds, which may be dedicated to higher priority projects on the Airport. Thus, the prospective Operator should expect to fund all facility needs (building, parking lots, ramps/aprons, connecting taxiway(s), electrical, natural gas, telephone, and cable TV) as a part of the total plan.

E. NATIONAL EMERGENCY

During time of war or national emergency, the City shall have right to lease the landing area or any part thereof to the United States Government for military use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the U.S. Government, shall be suspended.

F. AIRPORT OBSTRUCTIONS

The City reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the Operator from erecting or permitting to be erected, any building or other structure on or adjacent to the Airport, which, in the opinion of the City, would limit the usefulness of the Airport or constitute a hazard to aircraft.

G. SUBORDINATION

These regulations shall be subordinate to the provisions of any existing or future agreement between the City and the United States, relative to the operation and maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

H. HAZARDOUS MATERIAL AND WASTE

The Operator shall not discharge, deposit or store any waste or hazardous materials on the Airport unless stored in approved storage containers and removed on a regular basis (i.e. garbage and waste oil). The Operator's operating area shall be kept in a safe, neat, clean and orderly manner at all times and in such a manner to minimize any hazards. The Operator must comply with the Airport's Stormwater Pollution Prevention Plan as appropriate. Examples of hazardous materials and waste include, but are not limited to, garbage; used fluids such as oil, chemicals, or fuel; scrap materials or other debris.

I. OPERATIONS AREA

The Operator shall not conduct any of its business or activities on any area except those specified in the lease or agreements under standards.

J. COMPLIANCE WITH APPLICABLE RULES AND REGULATIONS

The Operator shall comply with all federal, state and local Rules and Regulations which may pertain to its operation on the Airport and all future revisions thereto.

K. APPROVAL OF CONSTRUCTION

No buildings, structures, tiedowns, ramps, paving, taxi area, drains, earthwork or any other improvements or additions to the Airport shall be placed or constructed, or altered or removed at the Airport without the prior written approval of the Airport Committee and the City Council. Applicable City permits must be obtained by the Operator prior to any such work. The Operator must also submit Federal Aviation Administration (FAA) Form 7460 'Notice of Proposed Construction', and receive written approval from the FAA prior to the start of construction.

L. CHANGE IN SERVICES OFFERED

Once a lease or agreement under these Standards is entered into, the Operator may not add or delete services offered without the prior consent of the City. Any additional services contemplated must meet the requirements outlined in these Standards.

SECTION IV – ACTION UPON APPLICATION

Upon receipt of an application to conduct a Commercial Aeronautical Activity under these Standards, the Airport Director will review the application to ensure its completeness and compliance with the requirements of Section II, Application Requirements.

- A. If the application is found to be complete in accordance with Section II, the Airport Director will schedule consideration of the proposed activity at the next possible regular Airport Committee meeting. If the application is incomplete, the Airport Director will advise the applicant in writing of the deficiencies.
- B. At the Airport Committee meeting, the Committee will consider the proposed activity, review the recommendation of the Airport Director and take public comment. Following this consideration, the Airport Committee will recommend approval or denial of the proposed activity to the Minot City Council, which has the ultimate authority to approve or disapprove any proposed Commercial Aeronautical Activity. City Council consideration of a proposed activity will take place during a regular City Council meeting.

- C. The Airport Committee will not consider any application to conduct a Commercial Aeronautical Activity unless the applicant or a duly appointed representative is present at the Committee meeting.
- D. In consideration of the application, the Airport Committee and/or the City Council may deny the application based on, but not limited to, one or more of the following terms:
1. **NOT QUALIFIED:** The applicant does not meet the qualifications, standards or requirements established by these Standards.
 2. **SAFETY HAZARDS:** The applicant's proposed operation or construction would create a safety hazard at the Airport.
 3. **CITY EXPENDITURE:** The approval of the application would require the City to expend funds, labor or materials in connection with the operation.
 4. **NON-COMPLIANCE WITH AIRPORT LAYOUT/MASTER PLAN:** The proposed operation, development or construction does not comply with the Airport Layout or Master Plans.
 5. **CONGESTION:** The development or use of the area requested will result in depriving existing Airport Operators of portions of the area in which they are conducting operations; or buildings; or will result in unduly interfering with the operations at the Airport regarding aircraft traffic or service, or preventing unrestricted access to any airport area.
 6. **MISREPRESENTATION:** Any party applying for or having an interest in the business has supplied the City with any false information or has misrepresented any material fact in the application or in supporting documents; or has failed to make full disclosure on the application or in supporting documents.
 7. **HISTORY OF VIOLATIONS:** Any party applying for or having an interest in the business has a record of violating these Minimum Standards or any Federal, State, or local Rules and Regulations of any other airport, the City of Minot, or the Minot International Airport.
 8. **DEFAULTED PERFORMANCE:** Any party applying for or having an interest in the business has defaulted in the performance of any other lease agreement with another airport or public agency, the City of Minot, or the Minot International Airport.

SECTION V - MINIMUM STANDARDS

A. Single Service Operator (“SSO”)

Single Service Operators must meet the following Minimum Standards and requirements according to the service(s) provided:

1. **Airframe or Powerplant/Specialized Aircraft Services – Single Service Operators** – An SSO desiring to engage in airframe or powerplant repair service or specialized aircraft services must provide as a minimum the following services and facilities based on a lease with the City or a sub-lease with a Full Service Provider:
 - a. **Land:** A lessee shall lease a minimum of 6,400 s.f. of land on Airport property. The property shall accommodate buildings, aircraft, equipment, and customer parking.
 - a. **Building:** Construct, lease, or sublease a building of at least 5,000 contiguous square feet to provide office space, public restrooms and sufficient space to work indoors on aircraft, avionics, instruments or propellers. The building must be properly lighted and heated for this type of use.
 - b. **Personnel:** Operator shall have employed, and on duty during the normal business hours, licensed and trained personnel required to meet the Minimum Standards set forth in this category of services. In the Operator’s absence, they shall maintain during all business hours, an Operator in Charge authorized to represent and act for on behalf of the Operator, to supervise the operations in the leased or subleased area on the Airport.
 - c. **Hours of Operation:** The SSO shall provide services at least eight hours each day, Monday through Friday to best serve the public. The hours of operation shall be conspicuously posted.
 - d. **Performance of Services:** The services provided hereunder shall be performed within or with immediate access to the required building, except for such services as must be performed outside for safety or emergency reasons, such as accidents, or aircraft run-ups, or if the aircraft is too large to be placed within the building.
 - e. **Equipment:** The SSO shall have the requisite tools, towing equipment and the demonstrated capability to efficiently and safely move aircraft and store them in compliance with local regulations.
 - f. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VII.

requirements of the State of North Dakota and the Airport's Storm Water Pollution Prevention Plan, and provide as a minimum the following:

- b. Land:** A lessee shall lease a minimum of 4,900 s.f. of land on Airport property. The property shall accommodate buildings, aircraft, equipment, and customer parking.
- a. Building/Facilities:** The SSO shall provide or lease at least 3,600 square feet of building or concrete pad with containment to conduct loading operations, including at least 500 square feet of building that includes office space, customer lounge and restrooms properly heated and lighted within the same building. Hangar space adequate for the storage of aircraft or maintenance may be constructed, leased or sub-leased. The SSO shall provide a segregated chemical storage area protected from public access and meeting all applicable Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OHSA) requirements. The Operator shall provide a DEQ-EPA approved washing area if the washing involves an aircraft that has been exposed to chemicals.
- b. Permanent Chemical Storage:** The Operator shall have on the leasehold a permanent chemical storage containment area that includes secondary containment for all chemicals stored on the leasehold area. Containment shall be of concrete or other approved impervious barrier and shall hold no less than 110% of capacity of the storage tanks. The Storage area shall meet applicable local, state and federal requirements including but not limited to the North Dakota Pesticide Act and the most recent form of the Fire Code adopted by the City of Minot. Chemical Storage on the airport is subject to the aerial application only and any other ground-based chemical sales is considered non-aeronautical and must be approved by the FAA and the City prior to starting the operation.
- c. Aircraft Apron & Parking:** The Operator shall include a concrete pad for parking the aircraft while loading/unloading chemical products on the aircraft. The pad shall be of sufficient size to prevent any part of the aircraft from overhanging of the pad when the aircraft is parked. All operations involving chemical products shall be done in strict conformance with all applicable local, state and federal requirements for containment, spill protection, storage, filtering and other means necessary, to adequately protect from contaminating ground water, sanitary sewer, storm water runoff and other watershed sources.
- d. Personnel:** The SSO shall provide at least one person holding a current FAA commercial pilot's license, properly rated for the aircraft to be used and meeting the requirements of Federal Aviation Regulation 14CFR Part 137 and applicable regulations of the State of North Dakota.

- e. **Aircraft:** The SSO shall own or lease at least one aircraft meeting all requirements of Federal Aviation Regulation 14CFR Part 137 and applicable regulations of the State of North Dakota.
 - f. **Hours of Operation:** The Operator shall employ and have on duty during the appropriate business hours, at least one licensed and trained pilot available during seasonal operating times.
 - g. **Layout and design:** Layout and design of the Aerial Applicator facility is subject to City approval.
 - h. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VII.
 - i. **Driver Training:** All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.
4. **Air Taxi and Charter Services** – Any Operator desiring to engage in the business of providing air transportation to the general public for hire, either on a charter basis or an air taxi basis as defined in the Federal Aviation Act of 1958. The Operator shall provide the minimum:
- a. **Land:** A lessee shall lease a minimum of 4,900 s.f. of land on Airport property. The property shall accommodate buildings, aircraft, equipment, and customer parking.
 - b. **Building:** The Operator shall construct, lease or sublease at least 500 square feet of customer lounge space and public restrooms properly lighted and heated for this type of use. Hangar space adequate for the storage of aircraft or maintenance may be leased or sub-leased. Note: Commercial Air Carriers are not subject to the minimum square footage requirement.
 - c. **Equipment:** Operator shall have available at least one (1) aircraft capable of providing non-scheduled passenger / cargo charter services in an aircraft equipped for flight in nighttime winter instrument meteorological conditions (IMC). Operator shall also coordinate for other multi-engine, turbo prop, or jet aircraft charter services upon request with at least a 5 day notice.
 - d. **Personnel:** Operator shall have employed, and on duty during the normal business hours, licensed and trained personnel required to meet the Minimum Standards set forth in this category of services. In the Operator’s absence, they shall maintain during all business hours, an Operator in Charge authorized to represent and act for on behalf of the Operator, to supervise the operations in the leased or subleased area on the Airport.

- e. **Hours of Operation:** The SSO shall provide services at least eight hours each day, Monday through Friday, excluding holidays to best serve the public. The hours of operation shall be conspicuously posted.
 - f. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VII.
 - g. **Driver Training:** All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.
5. **Specialized Aircraft Services** – Specialized Aircraft Services include Avionics, Instrument, Propeller Repair, Paint Shop, or Aircraft Manufacturing/Restoration.
- a. **Land:** A lessee shall lease a minimum of 6,400 s.f. of land on Airport property. The property shall accommodate buildings, aircraft, equipment, and customer parking.
 - b. **Building:** Construct, lease or sub-lease a building of at least 5,000 contiguous square feet to provide office space, public restrooms and sufficient space to work indoors on aircraft, avionics, instruments or propellers. The building must be properly lighted and heated for this type of use.
 - c. **Personnel:** Operator shall have employed, and on duty during the normal business hours, licensed and trained personnel required to meet the Minimum Standards set forth in this category of services.
 - d. **Hours of Operation:** The SSO shall provide services at least eight hours each day, Monday through Friday, excluding holidays, to best serve the public. The hours of operation shall be conspicuously posted.
 - e. **Performance of Services:** The services provided hereunder shall be performed within or with immediate access to the required building, except for such services as must be performed outside for safety or emergency reasons, such as accidents, or aircraft run-ups, or if the aircraft is too large to be placed within the building.
 - f. **Equipment:** The SSO shall have the requisite tools, towing equipment and the demonstrated capability to efficiently and safely move aircraft and store them in compliance with local regulations.
 - g. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VII.

Charge authorized to represent and act for on behalf of the Operator, to supervise the operations in the leased or subleased area on the Airport.

- c. **Hours of Operation:** The SSO post ticket counter hours and be available during those hours and during flight times to assist customers.
 - d. **Employee Uniforms, Appearance, and Conduct:** The Operator shall insure that all employees are neat and presentable to the public. Employees shall have uniforms that allow them to be easily identified by the customer as a service provider. Customers shall be handled with in a professional manor under any and all circumstances’.
 - e. **Equipment:** The SSO shall own the requisite tools including but not limited to: deicing equipment (adequately sized to conduct deicing in the approved manner for the aircraft being served), baggage transport equipment, and aircraft lavatory servicing equipment. The Operator shall demonstrate the capability to efficiently and safely conduct services in compliance with local, state, and federal regulations.
 - f. **Insurance Coverage:** Insurance shall be carried in an amount that meets or exceeds the expectation of the airline that is being provided service.
 - g. **Driver Training:** All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.
8. **Aircraft Storage** – An Operator engaged in providing T-hangar or open bay hanger storage facilities for the intent of leasing to other aircraft owners or lessees shall provide as a minimum the following services and facilities:
- a. **Land:** A lessee shall lease a minimum of 8,000 s.f. of land on Airport property is required for Aircraft Storage Operation to accommodate buildings, aircraft, equipment, and customer parking.
 - b. **Building/Facilities:** The SSO shall provide, lease or a sublease of at least 5,600 square feet of contiguous hangar floor space capable of housing at least six (6) single engine aircraft. The building shall be heated to at least 35 degrees or wiring for block heaters provided.
 - c. **Personnel & Hours of Operations:** The Operator shall have available between the hours of 6:00 AM and 8:00 PM at least one qualified individual that can push and pull aircraft from the hangar within two hours notice as the services are required.

- d. **Equipment:** The SSO shall have the requisite tools, towing equipment and the demonstrated capability to efficiently and safely move aircraft and store them in compliance with local regulations.
- e. **Contact Information:** The Operator shall provide telephone contact information for the convenience of the customers.
- f. **Insurance Coverage:** Insurance shall be carried meeting the minimum requirements outlined in Section VII.
- g. **Driver Training:** All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.

B. Multiple Service Operator (“MSO”)

Multiple Service Operators must meet the following Minimum Standards and requirements according to the service(s) provided:

1. **Land:** The leasehold shall contain enough contiguous property to allow for a building, setbacks, green space, ample aircraft parking, and car parking depending on the amount of services provided, as required by City Code.
2. **Building:** Construct, lease or sublease a building of at least 6,500 total contiguous square feet, including a minimum of 4,800 square feet of hangar, **not** including airframe and powerplant services. The building must be capable of housing offices, lounge area, restrooms and properly heated and lighted for the proposed use. For a Multiple Service Operation that includes an Airframe and Powerplant service, a minimum of 8,100 total contiguous square feet, including a minimum of 6,500 square feet also capable of the above mentioned amenities. A MSO conducting three (3) or more service operations (and not providing fuel), are subject to building size requirements equal to that of a Full Service Operation.
3. **Hour of Operations, Personnel Requirements, and Equipment:** Depending on the services provided, the Operator shall follow the requirements listed for each category of Single Service Operator.
4. **Driver Training:** All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.

C. Full Service Operator (“FSO”)

Full Service Operators must meet the following Minimum Standards and requirements according to the service(s) provided (In the event that the Full Service Operator must

contract with a SSO or MSO, a separate agreement shall be in place between that particular provider and the City.):

1. Aircraft Maintenance:

- a. Proper FAA license to provide aircraft maintenance
- b. Jet Aircraft (CRJ 900 / DC9 / A319 & Smaller)
- c. Twin engine (turbine / reciprocating) aircraft
- d. Single engine aircraft

2. Pilot Training: Operator shall provide directly or arrange through an SSO or MSO to 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 a single engine)
- b. IFR / Instrument rating
- c. Commercial pilot rating

3. Charter Service (Part 135 Certificate): Operator shall provide directly or arrange through an SSO or MSO to have available at least one (1) aircraft capable of providing non-scheduled passenger / cargo charter services in an aircraft equipped for flight in nighttime winter instrument meteorological conditions (IMC). Operator shall also coordinate for other multi-engine, turbo prop, or jet aircraft charter services upon request with at least a 5 day notice.

4. Aircraft Rental: Operator shall provide directly or arrange through an SSO or MSO to have available (owned or leased) a sufficient number of FAA certificated aircraft to adequately handle the number of students considered, but not less than one aircraft, which shall be equipped to provide the type of instruction being conducted. Rental Aircraft will be available for rent to general aviation pilots who meet the FSO criteria for renting aircraft.

5. Commercial Fuel Sales / Line Services: Operator shall have available a minimum of two (2) Aviation Gasoline (AvGas) trucks, one of which shall be at least 750 gallons and two (2) jet fuel trucks, one of which shall be at least 3,000 gallons. The fuel trucks shall be equipped and maintained in accordance with City, State and Federal Regulations and Airport standards. All federal, state, and local fire codes and standards (including SPCC) must also be followed. 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 (branded fuel)
- b. Into-plane Airline Fueling
- c. Associated aviation line (ramp) services including, but not limited to:
 - i. Aircraft deicing
 - ii. Aircraft preheating / starting
 - iii. Aircraft towing / parking
 - iv. Pilot supplies

- v. Aircraft meeting / greeting
- vi. Tie down services
- vii. Aircraft washing
- viii. Airline ground handling with properly authorized equipment

6. Aircraft Hangars, Buildings, Land & 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.

- a. Building(s) shall have a minimum of 17,000 square feet and capable of storing at least a medium sized corporate jet.
- b. Building(s) shall include: hangars, shops, offices, classrooms, a pilot's lounge, public restrooms, a flight planning / weather information area and public telephones. Area should be properly heated and lighted for the approved use. The public arrival/departure area should be presentable and in good repair to provide a good first impression to individual and companies visiting the City of Minot.
- c. A minimum of 35,000 s.f. of land on Airport property is required for Full Service Operations to accommodate buildings, aircraft, equipment, and customer parking.

7. Additional Services: Operator shall arrange for, or provide, the following services:

- a. Avionics Repair
- b. Propeller Repair
- c. Aircraft Painting
- d. Aircraft Engine Rebuilding (Recip / Turbine)

8. Marketing and Promotions: Operator shall develop and maintain a marketing and promotion program in an effort to market Minot general aviation and customs services on a regional, national, and international basis.

9. Hours of Operation:

- a. Fuel and Line Services: Operator shall have qualified staff available in levels necessary to meet airline and public fuel and line service needs 7 days a week, 24 hours per day, and 365 days per year.
- b. Aircraft Maintenance, Repair, Pilot Training Services: Operator shall have a 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. Personnel:

- a. The 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.

- b. 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 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 proceeding five years.
- c. 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.

11. Fuel Farm: The City of Minot will retain ownership of the existing fuel farm and collect storage fees for the use of the tanks. Additional Full Service Operators will be responsible for providing their own on-airport fuel farm.

- a. The Operator will be responsible for the day-to-day maintenance items for the operating system outside of the actual tank (ie. Pumps and filters).
- b. All fuel will be metered entering the tanks and metered as it is pumped into the aircraft. The numbers will be reported monthly to the City of Minot.
- c. Compliance with all fueling regulations is the responsibility of the Operator.

12. Insurance Coverage: Insurance shall be carried meeting the minimum requirements outlined in Section VII.

13. Driver Training: All Operators and their employees designated to drive on the apron and in the vicinity of aircraft shall receive Airport approved annual driver training per the Airport Certification Manual.

D. Private Flying Clubs

A private flying club is a non-profit organization for the express purpose of providing its members with an aircraft for their personal use and enjoyment only.

Private flying clubs shall not be required to meet the Minimum Standards stipulated for aircraft rental or flight training operations so long as the private flying club's membership is not available to the general public.

- 1. Records** – Private flying clubs shall file and keep current with the Minot International Airport:

- a. A complete membership list and investment (ownership) share held by each member including a record of all members (past and present) with full names, addresses, and the date the membership began and ended.
- b. Copies of the bylaws, articles of incorporation, operating rules, membership agreements, and the location and address of the club's registered office.
- c. Designee responsible for compliance with these Minimum Standards and other regulatory measures.

2. Operations

- a. The ownership of the aircraft must be vested in the name of the flying club (or owned proportionately by all its members).
- b. The property rights of the members of the club shall be equal and no part of the net earnings of the club may inure to the benefit of any member in any form (salary, bonuses, etc.).
- c. The club may not derive greater revenue from the use of its aircraft than the amount for the operation, maintenance and replacement of its aircraft.
- d. No member/owner of a private flying club shall receive compensation for services provided for such private flying club unless such member or owner is authorized to conduct Commercial Aeronautical Activities at the airport.
- e. Private flying clubs aircraft shall not be used by other than members or owners.
- f. No member or owner shall use private flying club aircraft in exchange for compensation. Sharing of flight expenses is permitted subject to the restriction in this section.

E. Other Commercial Aeronautical Activities: Other Commercial Aeronautical Activities not specifically addressed in this part (examples may include but are not limited to, commercial banner towing, ballooning, glider towing, and sky diving) are subject to the review and approval by the Airport Director.

F. Fueling Permits

All persons or entities desiring to pump fuel on a commercial or self-service basis shall first obtain a Fueling Permit.

1. Permit/Approval

- a. No person or Entity shall engage in fueling activities prior to obtaining a valid Fueling Permit.
- b. Aircraft owners are only permitted to fuel his/her **own** aircraft and then only if the fueling is provided by the aircraft owner or his/her employees with resources supplied by the aircraft owner. Self-fuel may not be sold, given or traded to other aircraft owners. Co-op (organization of several aircraft owners for the purpose of self-fueling) fueling for the purpose of showing ownership is prohibited. These restrictions do not apply to a Full Service Operation under Section V sub-section C.
- c. All persons with fueling responsibilities shall be trained in a fueling and fire safety program that is approved by the Minot International Airport.
- d. Operators shall abide by all local, state, and federal regulations for fueling, fire and environmental protection at all times.

2. Fuel Storage

- a. Operator shall arrange and demonstrate that satisfactory arrangements have been made for the storage of fuel as follows:
 - i. Full Service Operators must have fuel storage located on the Airport
 - ii. Through an approved Full Service Operator
 - iii. In a centrally-located fuel storage facility with proper containment that has been approved by the City of Minot.
- b. All other storage of fuel on the Airport is prohibited unless otherwise approved by the City of Minot. For self-fueling Operators, fuel will not be allowed to remain on Airport property unless contained in a permanent storage facility approved by the City of Minot. Mobile fuel trucks used for self-fueling must be a minimum of 100 gallons and may not exceed 3,000 gallons and due to the hazard of fuel leakage and fire. Mobile fuel trucks are prohibited from being used as storage on the Airport unless stored in a designated area with containment capabilities. Otherwise, users may enter the Airport, fuel their aircraft but then the fuel truck must be taken off Airport property immediately after fueling is completed. Due to the hazard of static electricity fires fuel cans, for aviation usage, will not be permitted on the Airport.
- c. Commercial Operators shall meet the Minimum Standards established for the Full Service Operators.

- i. Operators agree to abide by all rules, regulations, policies, and procedures promulgated and adopted by the City of Minot and the Minot International Airport from time to time, including without limitation, payment of fuel flowage fees applicable to all fuel delivered to the Operator's premises or storage facility.
- ii. The Operator will be required to indemnify the City of Minot for all leaks, spills, or other damage that may result through the handling and dispensing of fuel.

3. Calibrated Meters

- a. All Operators shall install a calibrated metering system at its storage facilities to accurately measure fuel delivered to the Airport.
- b. Commercial Operators shall install a calibrated metering system on its fueling vehicles or other delivery devices to accurately measure fuel delivered into the customer's aircraft.
- c. All Operators shall maintain the calibrated metering system(s) in compliance with standards promulgated by the State of North Dakota Department of Weights and Measures.

4. Standard Operating Procedures/Spill Prevention Control and Countermeasures

- a. Operator shall develop and maintain Standard Operating Procedures (SOP) for fueling and ground handling and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34A "Aircraft Ground Handling and Servicing." Full Service Operator's SOP shall include a training plan, fuel quality assurance procedures and record keeping, and emergency response procedures to fuel fires and spills (including environmental protection). Operator SOP shall also address: bonding and fire protection; public protection; control of access to the fuel storage facilities; and marking and labeling of fuel storage tanks and refueling vehicles. Full Service Operators SOP shall be submitted to the City of Minot no later than 30 days before the Full Service Operator commences activities at the Airport.
- b. The Operator shall provide the City of Minot with a copy of a Spill Prevention Control and Countermeasures Plan (SPCC) that meets regulatory requirements for above ground fuel storage facilities. An updated copy of such SPCC Plan shall be filed with the Minot International Airport ten (10) days prior to the actual implementation.
- c. Permittee shall maintain current records on file of quality control inspections of fueling equipment, initial and recurrent training of employees engaged in

fueling operations, and fueling vehicle inspections, and shall make such records available to the Federal Aviation Administration and the City of Minot for auditing at any time.

5. Limitations

Except for Full Service Operators operating under Section V, sub-section C, Operators shall not sell and/or dispense fuels to based aircraft or transient aircraft that are not owned, leased, and/or operated by (and under the full and exclusive control of) the Operator. Any such selling or dispensing shall be grounds for immediate revocation of the permit by the City of Minot and the Minot International Airport.

- a. Revocation upon first violation will be for a period of one year.
- b. Revocation upon a second violation shall be permanent.

SECTION VI – PENALTY FOR NON-COMPLIANCE WITH MINIMUM STANDARDS

- A. Failure to Comply with the Minimum Standards:** All persons upon Airport property (as defined by the Airport Master Plan), 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 City. In the event of 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 Director, subject to appeal to the Airport Committee and City Council.
- B. Termination of Lease:** The Airport Committee and City Council reserves the right to terminate the lease of any tenant found to be in violation of these Minimum Standards.
- C. Civil Remedy or Criminal Prosecution:** The Airport Committee and the City Council, in their discretion, reserve the right to commence any civil action or suit or file a complaint for criminal prosecution against any person or Entity violating any Minimum Standard which causes injury or damage to persons or property or if such violation appears to constitute the commission of a criminal act.
- D. Liability for Fines:** Any Person, Entity, and air carrier (or their authorized servicing agent) whose act, or failure to act, results in a fine or penalty being assessed against the Airport or the City of Minot by any governmental agency having jurisdiction including security, safety, and environmental, 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.

SECTION VII –INDEMNITY AND INSURANCE

Minimum Insurance Requirements

- A. The Operator shall keep and hold the City of Minot, its elected and appointed officials, agents and employees, free and harmless from any and all claims and actions, loss, damage expense or cost, including attorneys fees (where allowable by law), incidental to the investigation and defense thereof claimed by anyone by reason of injury, or death or damage to persons or property sustained as a result of the Operator's use of the Leased Premises and operations at the Airport, excluding only claims (a) City's acts or omissions covered by City's general liability insurance or (b) caused by the gross negligence or willful misconduct of the City, its elected and appointed officials, agents and employees, or the negligence of said parties in concert with a third party, provided that, the City shall give the Operator prompt and reasonable notice of any such claim or action made or filed against it, and shall tender the defense thereof to Operator. In the event that the Operator does not settle or compromise such claim, then the Operator shall undertake the legal defense of such claim both on behalf of the Operator and behalf of the City. It is specifically agreed, however, that the City at its own cost and expense, may participate in the legal defense of any such claim. Any judgment, final beyond all possibility of appeal, rendered against the City for any cause for which the Operator is liable hereunder shall be conclusive against the Operator as to liability and amount upon the expiration of the time for appeal.

The Operator shall, at its own cost and expense, take out and maintain such insurance for the time the Operator is doing business on the Minot International Airport as the Operator is required under the Workers' Compensation Act; and also take out and maintain such public liability coverage as will protect the Operator, the City and its contractors from any claims for damage to persons, property, etc., arising out of, occurring or caused by operations under these Minimum Standards by the Operator. The policy will provide the amounts of insurance specified in this Section. Upon execution of any agreements, certificates of insurance shall be in a form acceptable to the City.

No cancellation or change in the policy shall become effective until after thirty (30) days notice by registered mail to the Airport Director, Minot International Airport, 25 Airport Road, Suite 10, Minot, ND 58703-1457.

Upon failure of the Operator to furnish, deliver and maintain such insurance as provided for herein, the City may obtain such insurance and charge the Operator as additional rental, the cost of the insurance plus all appropriate administrative charges and incidental expenses associated with the transaction. Failure of the Operator to take out and/or maintain, or the taking out and/or maintenance of required Insurance shall not relieve the Operator from any liability under these Minimum Standards, nor shall the minimum insurance requirements be construed to conflict with the obligations of the Operator concerning indemnification.

All insurance must be in effect and so continue during the life of any agreement with the City of Minot not less than the following amounts (nothing prevents the Operator from taking out any other insurance for protection of its interest which it deems advisable or necessary):

(Intentionally Left Blank)

APPENDIX A – APPLICATION FOR COMMERCIAL AERONAUTICAL
ACTIVITY ON THE MINOT INTERNATIONAL AIRPORT

1. Name, mailing address and phone number of applicant(s).

Company Name: _____
Mailing Address: _____
City: _____
State/Zip _____
Phone Number: _____

2. Type and structure of the organization; if incorporated, the names of the officers; if a partnership, the names of the partners.

Type and Structure of the Organization: _____
Name(s) of Officers or Partners: _____

3. Individual or business name and mailing address to appear on the lease or agreement.

Name: _____
Address 1: _____
Address 2: _____
City/State/Zip: _____

4. A statement of past experience in the specified aviation business or commercial activity for which the application is being made.

5. A list of any applicable Federal, State or local certifications and licenses currently held or to be obtained. Include copies of currently held licenses or certificates.

6. A description of the amount of land, number of buildings, building space, etc. the applicant desires to lease. If the activity will be conducted under a sublease from an existing leaseholder, a copy of the proposed sublease must be provided.

7. A description of the services to be offered and a business plan, including all of the intended services upon completion of the installation of the facility.

8. Proposed commencement date of the proposed construction or site improvements, proposed completion date and proposed date of commencement of operations.

Commencement Date: _____ Completion Date: _____

9. A description of the building space to be constructed, including square footages, building types and intended use of each.

10. The estimated total cost of construction and improvements. _____

11. A site plan drawing depicting construction intended for the lease area (must be compatible with the Airport's current Airport Layout Plan). *(See Attached)*

12. The hours of operations and number of employees.

Hours of Operations: _____ Number of Employees: _____

13. The number and type of aircraft to be based upon the leasehold to be leased or subleased by the Operator.

Number of Aircraft: _____

Type(s) of Aircraft:

Owned/Leased:

14. Provide a certificate of insurance or other satisfactory evidence of the ability to obtain insurance coverage as required in Section VII. (*See Attached*)

15. Provide an approved copy of the FAA Form 7460.

FOR OFFICIAL USE ONLY

Is the application complete? Yes No (If no, return to applicant)

Does the proposed building meet airport planning and Minimum Standards requirements?

Yes No

Additional Information Required: _____

Airport Director's Recommendation: _____

