



**BURLINGTON**  
.....  
**INTERNATIONAL AIRPORT**

**BURLINGTON INTERNATIONAL AIRPORT  
BURLINGTON, VERMONT**

**MINIMUM STANDARDS  
FOR  
COMMERCIAL AERONAUTICAL  
SERVICE PROVIDERS**

**ADOPTED: APRIL 18, 2016**



BOARD OF AIRPORT COMMISSIONERS OF  
CITY OF BURLINGTON AND CITY OF BURLINGTON, VERMONT

MINIMUM STANDARDS  
FOR COMMERCIAL AERONAUTICAL SERVICE PROVIDERS  
AT  
BURLINGTON INTERNATIONAL AIRPORT

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## **Section 1-1 General Statement of Policy**

These Minimum Standards for Commercial Aeronautical Service Providers are hereby adopted by the City of Burlington, Vermont (City) through its Board of Airport Commissioners for the Burlington International Airport (Airport) this 18th day of April, 2016. Notwithstanding the provisions herein, each Operator shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all Federal Aviation Administration (FAA) standards and applicable federal, state, and local laws and regulations.

It is the intent and policy of the City to operate and develop the Airport as the primary commercial aviation facility serving all facets of aviation, including general aviation, air carrier passengers, and air cargo operations for the state of Vermont as well as the southern portion of the Canadian province of Quebec. The Airport is publicly owned and operated and is therefore subject to certain federal obligations to operate in a financially self-sufficient manner and to make available to any persons, firms, or corporations the opportunity to engage in Commercial Aeronautical Activities at the Airport that satisfy a demonstrable need and that meet the Minimum Standards as established, adopted, and revised from time to time by the City. It shall be the policy of the City that any person, firm, or corporation wishing to provide Aeronautical Services to the public or conduct special Commercial Aeronautical Activities as defined herein at the Airport shall be given equal opportunity to compete without unjust discrimination for use of available Airport facilities pursuant to FAA Airport Improvement Program (AIP) Grant Assurance 22 *Economic Nondiscrimination*. The City has established these Minimum Standards for the Airport with the intent of providing fair and reasonable rules to govern the conduct of Commercial Aeronautical Activity on the Airport.

These Minimum Standards establish the threshold entry requirements for those Operators wishing to engage in Commercial Aeronautical Activities at the Airport and were developed in accordance with FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*, dated August 28, 2006. The City may make revisions and amendments to these Minimum Standards when the City deems them in the best interests of the City or the public, when business conditions at the Airport necessitate it, or when necessary to comply with FAA, Transportation Security Administration (TSA), or other governmental regulations.

Commercial Aeronautical Activities not addressed in the Minimum Standards are to be addressed by the City on a case-by-case basis in the Operator's written Agreement.

Except as permitted by federal law or FAA policy, nothing herein shall be construed to grant or otherwise authorize the granting of an exclusive right to provide any aeronautical service to the public or to conduct any Aeronautical Activity on the Airport. For purposes of these Minimum Standards, an exclusive right is a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right.

It is the intent of the City to enforce these Minimum Standards in a consistent, uniform, and fair manner to accomplish the City's goals and promote successful commercial business operations at the Airport. The Director of Aviation is responsible for and is hereby empowered and authorized to enforce these Minimum Standards.

The establishment of these Minimum Standards does not alter the City's proprietary exclusive right to engage in the delivery of Aeronautical Services/Activities as it may deem at its sole discretion to be prudent and appropriate.

### **Section 1-2 Business Activities**

Subject to applicable orders, certificates, or permits of the FAA or its successor, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for a revenue-producing Commercial Aeronautical Activity to serve the public, who has not first complied with these Minimum Standards and the Rules and Regulations of the Airport and entered into a written Agreement with the City.

### **Section 1-3 Definitions**

For purposes of these Minimum Standards, the following definitions shall apply:

- (1) Aeronautical Services/Activities: means any activity or service conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or that contributes to or is required for the safety of such operations. The following services/activities commonly conducted on airports are Aeronautical Activities within this definition: charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that, because of their direct relationship to the operation of an aircraft, can appropriately be regarded as an "Aeronautical Activity."
- (2) Agreement: means a written contract, executed by the City and an Operator, and enforceable by law, specifying the terms and conditions under which the Operator may conduct commercial aviation activities at the Airport. Such Agreements generally will recite the terms and conditions under which the activity will be conducted at the Airport, including but not limited to, the term of Agreement; rents, fees, and charges to be paid by the Operator; and the rights and obligations of the respective parties. The following terms may be substituted for the term "Agreement" – Aeronautical Activity Permit, Lease, or Concession.
- (3) Aircraft or aircraft: means a device which is used or intended to be used for flight in air. Examples of aircraft include, but are not limited to: airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter, or auto gyro), unmanned aerial vehicles, balloon, and blimp.
- (4) Aircraft Fuel: means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine in an aircraft.

- (5) Aircraft Fueling Vehicle: means any vehicle used for the transportation, delivery, and dispensing of Aircraft Fuel.
- (6) Aircraft Movement Area: means the runways, taxiways, and other areas of the airport utilized for taxiing, hover taxiing, air taxiing, and takeoff or landing of aircraft, exclusive of loading ramps, maintenance ramps and parking areas.
- (7) Airplane Design Group: A FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:
- a) Group I: Up to but not including 49 feet
  - b) Group II: 49 feet up to but not including 79 feet
  - c) Group III: 79 feet up to but not including 118 feet
  - d) Group IV: 118 feet up to but not including 171 feet
  - e) Group V: 171 feet up to but not including 214 feet
  - f) Group VI: 214 feet up to but not including 262 feet
- (8) Airport: means Burlington International Airport located in South Burlington, Vermont and all of the land area, buildings, facilities, and improvements within the exterior boundaries of such airport as it now exists, or as it may hereafter be extended, enlarged, or improved.
- (9) Airport Layout Plan: means the FAA approved and Airport adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and Airport depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, nav aids, etc. and proposed allocation of Airport land and/or improvements to specific uses and/or development.
- (10) Airport Security Plan: means the Transportation Security Administration (TSA) approved document, including any amendments or revisions thereto, that governs the provision of security at the Airport.
- (11) Airport Board of Commissioners (the Commission): means the Airport advisory body established by Article 37 of the Charter of the City of Burlington, Vermont.
- (12) City of Burlington, Vermont: means the municipal corporation in the State of Vermont that owns and operates the Burlington International Airport through its City Council.
- (13) City: means the Board of Airport Commissioners of the City of Burlington and/or the City of Burlington, Vermont.
- (14) Commercial Aeronautical Activity: means an Aeronautical Activity for commercial purposes. A Commercial Aeronautical Activity also includes any third party or contract employee engaged in the performance of an Aeronautical Activity for

compensation or hire at the Airport who is not an employee of a Fixed Base Operator or a Specialized Aviation Service Operator. For purposes of this definition, "commercial purposes" is the conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

- (15) Commercial Through-the-Fence Operation: means an Operator or entity that provides Commercial Aeronautical Activities to the public for compensation or hire but does not have an Agreement with the City and does not occupy space on Airport property. It is the policy of the City to not allow Commercial Through-the-Fence Operations at the Airport.
- (16) Co-Operative (Co-Op) Fueling: means an organization formed by Aircraft Owners, air carriers or flight departments for Self-fueling purposes. It is the policy of the City to not allow Co-Op fueling at the Airport.
- (17) Director of Aviation: means the individual appointed by the mayor to serve as the Director of Aviation under the City Charter § 122, or the person authorized by the Director of Aviation to act for or on behalf of the Director of Aviation, with respect to any particular matter.
- (18) Entity (or Entities): means a Person; firm; partnership; limited liability company; or corporation; proprietorship, association, or group; and includes any authorized trustee, receiver, assignee, or other similar representative of the previously noted business organizations.
- (19) FAA: means Federal Aviation Administration.
- (20) Fixed-Base Operator (FBO): means any individual, firm or corporation duly licensed and authorized by written Agreement with the City to operate, under strict compliance with such Agreement and pursuant to these Minimum Standards, to offer Aeronautical Services to the public at the Airport as set forth in Section 1-7 of these Minimum Standards.
- (21) Fuel Storage Area: means any portion of the Airport designed temporarily or permanently by the City as an area in which aircraft fuel, motor vehicle fuel, or any other type of fuel or fuel additive may be stored.
- (22) Fueling or Fuel Handling: means the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from fuel storage areas, aircraft, vehicles, or equipment.
- (23) General Aviation: means all phases of aviation other than military aviation and scheduled or non-scheduled commercial air carrier operations.



- (24) Minimum Standards: means these Minimum Standards for Commercial Aeronautical Service Providers adopted by the City, as amended from time to time.
- (25) Operator: means either a Fixed Base Operator or a Specialized Aviation Service Operator, as applicable, or the City, when performing a Commercial Aeronautical Activity, unless the context clearly indicates another meaning.
- (26) Permit: means an administrative approval issued by the City to a person or company to conduct a Commercial Aeronautical Activity from facilities and locations where such services are authorized.
- (27) Personnel: means persons who are employees of an Operator or who are contractually obligated to render services to the public on behalf of an Operator.
- (28) Rules and Regulations: means the policies, procedures, and regulations which may be established and amended from time to time by the City, to govern the safe, orderly, and efficient use of the Airport.
- (29) Shall: the word “shall” is always mandatory and not merely directory.
- (30) Specialized Aviation Service Operator (SASO): means a Commercial Aeronautical Activity or any entity that provides any one or more of the services listed in Section 1-8 of these Minimum Standards.
- (31) State: means the State of Vermont.
- (32) TSA: means the Transportation Security Administration or its successor agency.
- (33) Two-way Radio: means a two-way communication system operated by a non-governmental entity that provides Airport advisory information.

#### **Section 1-4 General Requirements**

- (1) Operators shall meet or exceed the requirements of this section as well as the standards applicable to the Operator's activities at the Airport.
- (2) Each prospective Operator shall demonstrate, to the satisfaction of the City, that it is capable of consistently providing the proposed Commercial Aeronautical Activity in a safe, secure, efficient, prompt, courteous, and professional manner for a fair and reasonable price. This includes, but is not necessarily limited to, demonstrating that the prospective Operator's aviation/business background and experience is appropriate for the proposed Commercial Aeronautical Activities, and that the prospective Operator has the resources to realize its business objectives.
- (3) Each prospective Operator shall provide evidence, satisfactory to the City, of its financial responsibility. The prospective Operator shall also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry on the contemplated business.
- (4) No Operator shall engage in any type of Commercial Aeronautical Activity or service at the Airport without first obtaining a written Agreement from the City authorizing such Commercial Aeronautical Activity in accordance with specifications established by the City. Agreements shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold. Agreements shall include all provisions required by law and obligations placed upon the City by all federal and State agencies and any other contracting provisions deemed necessary by the City.
- (5) Operators shall comply with applicable federal, State, and local laws, and all regulations, orders, certificates or Permits required by FAA, TSA, the Environmental Protection Agency, local fire regulations, and any other federal, State, or local agencies and successors having jurisdiction over the Airport and the activities at the Airport, as may change from time to time.
- (6) Each Operator shall conduct its business in a lawful and sanitary manner including, but not limited to, the timely handling and disposal of all solid waste, regulated waste, and other materials. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property is not permitted upon Airport property.
- (7) Each Operator shall, at its sole expense, provide and maintain all equipment and facilities of the Operator, and shall provide the required services and level of performance as set forth herein.
- (8) Each Operator shall furnish good, prompt, courteous, and efficient services adequate to meet all reasonable demands on a fair, reasonable, and nondiscriminatory basis to all users of the Airport who wish to avail themselves of the Operator's services. It shall maintain and operate its business in a first-class manner, and shall at all times

keep its premises in a safe, clean, and orderly condition, consistent with the business activity contemplated hereunder and reasonable satisfaction of the City.

- (9) Each Operator shall provide a standard of service that is at least as high as that which is typical and customary of providers at similarly situated commercial service airports. Such standard of service shall include, without limitation, providing equal and responsive service to all users and customers of the Airport.
- (10) Each Operator shall follow all security regulations and requirements established by the federal, State, and local governments and shall abide by all the applicable provisions of the Airport Security Plan, as amended from time to time. In addition, the City reserves the right to require that principal officers of an Operator, regardless of level of involvement in the actual operation of the business, and any employee, customer, contractor, or sub-lessee of the Operator submit to a Security Threat Assessment (STA) and/or criminal history records check (CHRC), including fingerprinting, at the expense of the Operator, dependent upon to which area on the airfield or facility direct, unescorted access is required. The City may exclude an individual from airport premises or suspend the authority of an Operator to conduct business at the Airport if the results of the STA and/or CHRC indicate that the individual poses a threat to the Airport, local community, State, or nation.
- (11) Each Operator shall lease from the City, or provide under terms agreeable to the City, for its exclusive use, sufficient land and/or facilities for the services to be offered as set forth in these Minimum Standards or, otherwise, as required by the City for the type of services to be offered. Upon the written approval of the Director of Aviation, the minimum leasehold/acreage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.
- (12) Each Operator shall lease or construct building space that will provide sufficient, adequate, and properly lighted and heated space for work areas, office spaces, storage, and a public waiting area that includes access to indoor restroom facilities and a public telephone to accommodate the services being provided. Upon written approval of the Director of Aviation, the minimum square footage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.
  - a) Unless permitted by an existing agreement between the City and an Operator, no building, structure, tie-downs, ramps, paving, aircraft taxi areas, or other improvements or additions to the Airport shall be altered, removed, placed, or constructed on the Airport without the written prior approval of the City.
  - b) Construction of any new Airport facilities shall be subject to all federal, State, and local rules and regulations, including local fire code, zoning, and building regulations.

- c) The incorporation of Leadership in Energy & Environmental Design (LEED) standards in the design and construction of facilities at the Airport is strongly encouraged by the City.
  - d) In the event of any construction, the City may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition.
  - e) The City shall approve all plans and specifications prior to construction, and a notice of proposed construction required by 14 CFR Part 77 is to be prepared by the Operator and submitted to the Director of Aviation for FAA coordination and approval.
  - f) All constructed improvements shall revert to the ownership of the City upon termination or expiration of the lease unless by agreement the improvements are to be demolished or otherwise removed by the Operator.
- (13) Each Operator shall provide a sufficient number of properly certificated, rated and/or trained personnel to carry out their assigned duties for each service provided. Multiple responsibilities may be assigned to personnel to meet the requirements set forth herein. Where more than one activity is being provided by an Operator, multiple uses can be made of aircraft; except aerial applicator (agricultural) aircraft and those aircraft designated as exclusive use by FAA regulations.
- (14) Each Operator shall agree to comply with the City's Livable Wage Ordinance, the City's contracting requirements including, but not limited to, outsourcing and union deterrence, and the Burlington Code of Ordinances, Chapter 21, Sections 21-80 through 21-87, as amended from time to time.
- (15) Each Operator shall make its services available to the public in accordance with the operating schedule described herein for each activity being provided.
- (16) Subject to existing agreements between the City and Operator, if any, each prospective Operator shall demonstrate to the City's satisfaction evidence of its ability to acquire and maintain insurance coverages as set forth in **Appendix A** for each particular type of Commercial Aeronautical Activity and as provided below:
- a) Applicable insurance, including comprehensive general liability insurance covering the Operator and City against all legal liability for injuries to persons (including wrongful death) and damages to property caused by Operator's use and occupancy of Airport premises or otherwise caused by Operator's activities or operations, shall be in force during the period of any construction of the Operator's facilities and/or prior to Operator's entry upon the Airport for the conduct of business. Each Operator shall maintain fire, casualty, business interruption (in sufficient amounts to enable Operator to meet its rent obligations), flood and other appropriate types of coverage with insurers acceptable to the City, in such amounts as are acceptable to the City including hazard and extended coverage for all leasehold improvements (including building, parking lot, and utilities), chattels, furniture, fixtures, machinery and equipment located within Operator's Premises.

- b) Each Operator shall furnish evidence of compliance with the applicable law with respect to worker's compensation and unemployment insurance.
  - c) The insurance company, or companies, writing the required policy, or policies, shall be qualified and licensed to transact business in the State of Vermont.
  - d) All insurance that the Operator is required to carry and keep in force shall include the City, its officers, agents, and employees as named additional insured parties as well as a waiver of subrogation in favor of the City. Such policies shall also contain a standard or "New York" loss payable clause.
  - e) Each Operator shall furnish evidence of compliance with this requirement to the City with proper certification that such insurance is in force and will furnish additional certification as evidence of changes in insurance not less than ten days prior to any such changes, if the change results in a reduction of coverage, and not more than five days after such change if the change results in an increase in coverage.
  - f) Where more than one Aeronautical Service is proposed, the minimum limits will vary, depending upon the nature of individual services, but will not necessarily be cumulative in all instances. For example, if 3 activities are chosen, it would not be necessary for the Operator to carry insurance policies providing the combined total of the minimum limits for each type of operation; however, if one of the selected activities required passenger liability coverage or hangarkeeper's liability not required in either of the other two categories, the Operator would be required to provide insurance on the applicable exposures. As a further example, the minimum limit of property damage on a combination of activities would be the highest minimum limit stated in the grouping chosen. Because of these variables, the applicable minimum insurance coverage on combinations of services will be discussed with the prospective Operator following the submission of their application.
- (17) Each Operator shall protect, defend, and hold the City and its employees, agents, and contractors (including the Board of Airport Commissioners and City Council and their members) harmless from and against all liabilities, losses, suits, claims, judgments, fines, or demands, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to Operator's use of Airport facilities, including use or occupancy of its premises or relating to its premises, including the injury or death of any person or damage to any property, any environmental matter, (including but not limited to expert, investigation, and/or remediation costs and expenses of any site remediation), any other acts or omissions of Operator's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, damage, or other liability may occur, unless such injury, death, damage, or other liability is caused by the sole negligence of the City, its agents, employees, tenants, or contractors.
- (18) Each Operator shall comply with applicable environmental policies and regulations as may be required by the State of Vermont or adopted and/or amended by the City.

## **Section 1-5 Application**

An application shall be made to the City for permission to carry on any Commercial Aeronautical Activity at the Airport. Three complete originally signed applications, as set forth herein, shall be delivered to the office of the Director of Aviation. The applications shall be in writing and in sufficient detail to discern the complete qualifications of the applicant to perform the proposed Commercial Aeronautical Activity and shall include, at a minimum, the following:

- (1) A description of the proposed business activity including:
  - a) The name, address, electronic mail address, and telephone number of the applicant.
  - b) A detailed description of the proposed Commercial Aeronautical Activity including the proposed date of commencement of the services and proposed hours of operation.
  - c) The amount, size, and location of the land and/or facilities to be leased.
  - d) Descriptions and cost estimates of any proposed capital improvements for the proposed site.
  - e) The number and type of aircraft to be based, if applicable.
  - f) The number of persons to be employed.
  - g) An organizational chart listing the number of positions and staff to be assigned to the Airport including the professional and technical qualifications of personnel who will manage and/or operate the proposed business.
  - h) The types and amounts of insurance coverage to be maintained for the proposed operation.
- (2) A current financial statement prepared by the Chief Financial Officer of the applicant and certified by an independent certified public accountant. The City shall consider financial statements in evaluating the applicant's financial ability to provide responsible, safe, and adequate service to the public.
- (3) A written listing of the assets owned, leased, or being purchased that will be used in the business on the Airport. Copies of any relevant leases or purchase contracts shall be attached.
- (4) If applicable, a statement indicating past experience in providing the specified services proposed to be offered at the Airport, including references from up to 3 individuals familiar with the applicant's ability to perform such services.
- (5) Copies of all licenses and Permits required by federal, State and/or local law for the conduct of the proposed business, including licenses and Permits required for any personnel who will manage or operate the business or who will perform any services in connection with the proposed business.
- (6) Written demonstration of good faith efforts to incorporate Leadership in Energy &

Environmental Design (LEED) standards in the design and construction of facilities.

- (7) A written acknowledgement that the applicant will execute such forms, releases, or discharges as may be required by the FAA and all aviation or aeronautic commissions, administrators, or departments of all states in which the applicant has engaged in aviation business. Applicant further authorizes the release of information in their files relating to the applicant or its current or proposed operation.
- (8) The application shall be signed and submitted by the owner of the business, if a sole proprietorship; every partner if a partnership; every member if a liability company (LLC); and the President or CEO if a corporation.
- (9) The applicant shall agree to provide any additional information and material necessary or requested by the City to establish to the satisfaction of the City that the applicant can qualify and will comply with these Minimum Standards.

### **Section 1-6 Action on Application**

After an application has been completed and material submitted in accordance with Section 1-5, the matter shall be considered first by the Commission which will make a recommendation to the City Council.

The City may deny any application if, in its sole opinion, it finds any one or more of the following:

- (1) The applicant does not meet the qualifications, standards, and requirements established by these Minimum Standards.
- (2) The applicant's proposed operation or construction will create a safety hazard on the Airport.
- (3) The granting of the application will require the City to spend funds, supply labor or materials in connection with the proposed operation, or the operation is expected to result in a financial loss to the City.
- (4) Inappropriate, inadequate, or insufficient space exists in buildings at the Airport to accommodate the entire activity of the applicant at the time of application, or, no available Airport land suitable for construction of buildings and facilities exists to accommodate the entire activity of the applicant at the time of application.
- (5) The development or construction on the Airport necessary to accommodate the proposed business does not comply with the most current FAA-approved Airport Layout Plan for the Airport.
- (6) The development or use of the area requested by the applicant will result in congestion of aircraft or buildings or will result in unduly interfering with the

operations of any then-existing Commercial Aeronautical Activity on the Airport.

- (7) The applicant has either intentionally or unintentionally misrepresented or omitted any pertinent information in the application or in supporting documents.
- (8) The applicant has a record of violating the Rules and Regulations of the Airport or of any other airport, FAA regulations, or any other federal, State, or local statutes, laws, rules, or regulations.
- (9) The applicant has defaulted in the performance of any Agreement with the City or other airport(s).
- (10) The applicant does not, in the opinion of the City, exhibit adequate financial responsibility to undertake the project based upon financial information provided.
- (11) The applicant failed to provide written demonstration of good faith efforts to incorporate Leadership in Energy & Environmental Design (LEED) standards in the design and construction of facilities.
- (12) The applicant cannot provide acceptable surety in the amount required by the City for that contract.
- (13) The proposed Commercial Aeronautical Activity or development is not in the best interest of the Airport or the public.



## **Section 1-7 Requirements and Minimum Standards for Fixed Base Operators (FBOs)**

The following shall apply to all applicants wishing to become an FBO at the Airport.

### (1) Definition and Scope of Services

An FBO is an Operator that has entered into a written Agreement with the City authorizing and enabling it to engage in the sale of aeronautical products, services, and facilities required in accordance with this Section. Only FBOs shall be permitted to provide Fueling and Deicing services at the Airport.

An FBO shall provide at a minimum the following Commercial Aeronautical Activities at the Airport: Fueling (Jet A and Avgas) as described herein; Aircraft Airframe and Engine Maintenance and Repair, up to and including Turbine Aircraft as described in Section 1-8(1) (B) (iii); and line (ground) services to include:

- a) aircraft marshaling, ramp parking, and tie-down assistance, including ramp personnel and vehicles and equipment as appropriate;
- b) baggage handling and passenger/crew escorts to and from aircraft;
- c) tie-down ropes, chains, and anchors;
- d) aircraft towing services capable of moving Group II aircraft;
- e) aircraft deicing and anti-icing services capable of servicing Group II aircraft;
- f) nitrogen service for aircraft tires;
- g) catering services, or the contracted arrangements therefore;
- h) mobile ground power assistance capable of servicing Group II aircraft;
- i) aircraft lavatory and cabin cleaning services;
- j) aviation grade in-flight oxygen refills;
- k) on-site international trash and refuse processing;
- l) passenger and crew customer service assistance and support to include rental car and ground transportation service;
- m) aircraft storage;
- n) facilitate and coordinate the US Customs and Border Patrol Port of Entry processing of FBO's international customers.

An FBO may provide additional Commercial Aeronautical Activities either directly or by contract with a third-party SASO. An FBO providing additional services, either directly or through a sub-lease or contractor arrangement, shall comply with the Minimum Standards for the listed SASO as set forth in Section 1-8. An FBO is to obtain written approval from the City prior to sub-leasing or entering into a contract arrangement with a SASO for the provision of additional Commercial Aeronautical Activities.

Each FBO shall furnish from its leased premises first class, full service operations serving the needs of the users of the Airport and shall, at all times, conduct its business and activities in a safe and professional manner consistent with all FAA standards and applicable laws and regulations including these Minimum Standards.

## (2) Service Requirements

Each FBO shall meet or exceed the following minimum requirements:

### a) Minimum Airplane Design Group Serviceability

FBOs shall support and service Airplane Design Group II aircraft. Prior to engaging in the provision of services (aircraft fueling, deicing, cleaning, and ground support equipment maintenance) to scheduled and non scheduled air carriers and/or air cargo operators, an FBO shall demonstrate in writing to the Airport Director and Airport Commission that it has sufficient premises, personnel, licenses and certifications, equipment, and insurance to engage in such activities.

### b) Manager, Staffing, and Employee Qualifications

- (i) Select and appoint a full-time manager for its operation at the Airport. Such manager shall be highly qualified and experienced, and be vested with full power and authority to act in the name of the FBO with respect to the method, manner, and conduct of the services to be performed hereunder. Such manager shall be available at the Airport during regular business hours and be available for meetings with Airport personnel upon forty-eight (48) hours prior notice. During the manager's absence, a duly authorized and qualified subordinate shall be in charge of the FBO and on Premises at the Airport.
- (ii) Provide, at its sole expense, a sufficient number of, and properly trained, employees who are pleasant, neat, clean, and courteous in order to effectively and efficiently provide the Commercial Aeronautical Activities as herein authorized. Employees are to wear appropriate uniforms and badges to indicate the fact and nature of their employment.
- (iii) Control the conduct, demeanor, and appearance of its employees and representatives. Such employees shall be trained and possess technical qualifications and hold certificates of qualifications, as may be required for such employee to carry out assigned duties. Multiple responsibilities may be assigned to employees where feasible.
- (iv) Provide to the Director of Aviation a current written statement of the names, general technical qualifications, addresses, telephone numbers, and other necessary contact information for all personnel responsible for the operation and management of the FBO. In addition, a point-of-contact with phone numbers for emergency situations shall be provided to the Director of Aviation.
- (v) All aircraft Fuel Handling personnel are to be trained in the safe and proper handling, dispensing, and storage of Aircraft Fuel. Acceptable training shall be an FAA approved safety training course in accordance with the latest version of

FAA Advisory Circular 150/5230-4, *Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports*, the National Air Transportation Association (NATA) “Safety First” Program or equivalent training program acceptable to the City. All training records and qualifications shall be provided to the City upon request in accordance with 14 CFR Part 139.321.

c) Hours of Operation

- (i) Be continually open for business and provide Fueling and line services for a period of time sufficient to serve the demands of customers operating at the airport. Generally this will require coverage 16 hours a day, 7 days a week, except as when necessitated by business or emergency conditions. If providing fuel service to certificated air carrier airlines serving the Airport, an FBO shall be available for service to said carriers one hour prior to the first departure of the day and one hour after the last arriving flight. Multiple responsibilities may be assigned to personnel to meet the requirements set forth herein. Exceptions to these minimum operating hours may be granted by the Director of Aviation for certain holidays, or when special circumstances, conditions, or events warrant a reduction in operating hours.
- (ii) Provide within a reasonable period of time (not greater than one hour) staffing on a call-back basis to address after-hour requests for service from customers.

d) Premises

Lease from the City a minimum of 5.0 acres of contiguous Airport land for the co-location of aircraft parking and servicing, a public use terminal building, automobile parking, hangar(s), and related structures and improvements thereon as more fully described below:

- (i) a public use terminal building of at least 5,000 square feet to include properly lighted, heated, and air conditioned building space to support the following services and activities:
  - (1) a convenient, comfortably furnished, public lobby waiting area with adjoining public restroom facilities;
  - (2) a customer service counter area equipped with two-way radio equipment to facilitate airborne customer requests as well as credit card transaction equipment capable of accepting one or more national bank and major oil company credit cards for Aircraft Fuel, line, and related services;
  - (3) a discreet properly equipped flight planning work area complete with telephone and weather service communication links,
  - (4) pilot’s lounge and rest areas,
  - (5) offices,
  - (6) a public conference room,
  - (7) a discrete snack food and beverage concession area offering adequate seating and tables and equipment to dispense a selection of hot and cold

beverages and pre-packaged snacks, and  
(8) complimentary wireless public internet access (Wi-Fi).

- (ii) a minimum 20,000 square foot clear span hangar of adequate dimensions to accommodate storage of Airplane Design Group II aircraft or greater.
- (iii) an aircraft apron comprised of at least 18,000 square yards of paved area for parking, tie-down, and maneuvering of aircraft. The aircraft apron shall be constructed to engineering standards for the current Airplane Design group aircraft at the Airport as defined in the existing Airport Layout Plan. Aircraft apron space may be leased from the City or constructed by the Operator.
- (iv) customer and employee parking as required by local building and zoning code requirements of the City.

e) Fuel and Lubricants

Provide the sale and into-plane delivery of common and recognized brands of Aircraft Fuel, lubricants and other aviation petroleum products. Provide, store, and dispense Jet A and 100LL aviation gasoline as specified herein. Provide, store, and dispense motor fuels necessary to operate ground service equipment required for commercial airline operations and/or other SASOs and FBOs on the Airport. Provide and supply aviation fuel spill kits on the premises for use in the event of a release or discharge of fuel onto paved surfaces of the Airport. Pay a fuel flowage fee as the same may be regularly established from time to time by the City for all aircraft fuels sold at the Airport. Provide monthly fuel reports, including total gallons of fuel delivered to the FBO by type and category, to the Director of Aviation.

f) Aircraft Fuel Storage Area

At its own expense, lease or build, and install, maintain, and manage; a Fuel Storage Area suitable to store a total of 50,000 gallons of fuel in a location as approved by the Director of Aviation, with safety features, and filtration systems to ensure Aircraft Fuel quality. Ensure that all Aircraft Fuel is delivered clean, bright, pure, and free of microscopic organisms, water, or other contaminants. Ensuring the quality of the Aircraft Fuel is the sole responsibility of the FBO. The Fuel Storage Area shall have proper signage to identify hazards and no smoking.

The Fuel Storage Area shall include one 100LL Avgas tank with a minimum of 10,000 gallon capacity and Jet-A tanks with a 40,000 gallon capacity. Filter-equipped Aircraft Fuel dispensers with separate dispensing pumps and meter systems for each grade of Aircraft Fuel shall be provided. Fuel Storage Area design, construction, and operations shall conform to the Rules and Regulations as well as all applicable federal, State, and local laws and regulations including but not limited to the National Fire Protection Association, Air Transport Association (ATA) Specification 103 – *Jet Fuel Quality at Airports*, Environmental

Protection Agency, and State regulations pertaining to Aircraft Fuel spill prevention and containment measures. The FBO shall develop and maintain an Aircraft Fuel Spill Prevention, Countermeasures, and Control Plan, a copy of which shall be provided to the City no later than 30 days prior to commencing operations and anytime the document is updated. The City shall have the authority and right to inspect the Fuel Storage Area in accordance with 14 CFR Part 139.327. Aircraft Fuel inventories shall be monitored in accordance with all applicable federal, State, and Local standards. The location and design of Aircraft Fuel Storage Areas shall:

- (i) not penetrate any 14 CFR Part 77 surfaces;
- (ii) not penetrate any object-free areas, runway protection zones, or runway safety areas;
- (iii) not interfere with Airport operations;
- (iv) be located behind the Airport building restriction line;
- (v) meet all applicable National Fire Protection Association Codes;
- (vi) have a containment area for all delivery trucks for the facility that shall meet current applicable codes and regulations;
- (vii) be located in the designated "Future Fuel Farm" area on the ALP.

Submit preliminary engineering drawings, to include the location and layout of the Aircraft Fuel Storage Area to the City for approval. Following the written approval of the preliminary engineering drawings and location and layout of the Aircraft Fuel Storage Area by the City, the FBO shall submit stamped engineering drawings along with the following Permits and plans prior to receiving approval for construction:

- (i) any required City Permits;
- (ii) National Pollutant Discharge Elimination System Permits; and
- (iii) A Spill Prevention, Countermeasures, and Control Plan.

Upon completion of construction of the Aircraft Fuel Storage Area, the FBO shall have the facility inspected by the City prior to bringing the facility online, and submit to the City as-built drawings. The City's inspection shall be solely for the City's benefit, and shall not be deemed to be a representation or warranty that the facility is in compliance with and federal, State, or local laws, ordinances, rules or regulations.

The location of the Fuel Storage Area is not required to be contiguous to the Leased Premises described in Paragraph 2) (d) of this Section.

g) Aircraft Fueling Vehicles

Provide, as a minimum, 2 Aircraft Fueling Vehicles for jet fuel, each with a capacity of at least 2,000 gallons; and 1 Aircraft Fueling Vehicle of at least 750 gallons capacity of 100LL aviation gasoline. All aircraft fueling vehicles dispensing jet fuel shall have over the wing and single point servicing capability, shall be in good working condition, and shall be fully compliant with NFPA Section 407 and ATA

Specification 103. The City shall have the authority and right to inspect Aircraft Fueling Vehicles in accordance with 14 CFR Part 139.327.

h) Assistance to Disabled Aircraft

Provide on its own or by contract with a qualified 3<sup>rd</sup> party, as approved by the Director of Aviation, sufficient equipment and trained personnel to remove disabled aircraft from the Aircraft Movement Area in a safe and timely manner. Have available suitable tractors, tow bars, jacks, dollies, and other equipment as needed to remove Airplane Design Groups I-II and contract services for aircraft designated Group III or greater. The aircraft owner will be responsible for compensating the FBO for any assistance provided to address and remove the disabled aircraft.

i) Insurance

Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

## **Section 1-8 Minimum Standards for Specialized Aviation Service Operators (SASOs)**

Specialized Aviation Service Operators (SASOs) shall consist of one or more of the following services and activities and shall comply with the Minimum Standards described in this Section.

### (1) Aircraft Airframe and Engine Maintenance and Repair

#### a) Scope of Service

An aircraft and airframe engine maintenance and repair Operator is a person or persons, firm, or corporation providing one or a combination of airframe and power plant overhaul and repair services. This category of Aeronautical Services also includes the sale of aircraft parts and accessories.

#### b) Minimum Standards

##### (i) Operators servicing Piston engine aircraft only shall provide:

1. a minimum of 8,000 square feet of contiguous space meeting local code requirements to accommodate a hangar, shop, equipment, and parts storage space as well as adequate space for offices, public restrooms, and a customer lounge
2. sufficient automobile parking space in accordance with local building and zoning code requirements
3. an aircraft parking apron with taxiway access, sufficient for the parking, staging, and maneuvering of two Airplane Design Group II aircraft.

##### (ii) Operators servicing aircraft up to and including Turbines, shall provide:

1. a minimum of 30,000 square feet of contiguous space meeting local code requirements to accommodate a hangar, shop, equipment, and parts storage space as well as adequate space for offices, public restrooms, and a customer lounge
2. sufficient automobile parking space in accordance with local building and zoning code requirements
3. an aircraft parking apron with taxiway access, sufficient for the parking, staging, and maneuvering of three Airplane Design Group II aircraft.

##### (iii) Operators conducting turboprop and/or turbine Aircraft Maintenance shall be properly certified as a 14 CFR Part 145 Certified Repair Station.

##### (iv) Provide sufficient equipment and supplies and have access to the parts necessary to perform the repairs and to recertify each aircraft being repaired.

- (v) Comply with all FAA regulations as they apply to the type of work being performed, parts utilized, and certifications required.
- (vi) Have the premises open and services available 8 hours daily, 5 days a week. Provide within a reasonable period of time (not greater than one hour) staffing on a call-back basis to address after-hour requests for service from customers.
- (vii) Employ and have on duty during the appropriate business hours, not less than 1 person who possesses the appropriate FAA certificate(s) for the work being performed as set forth in this category of services.
- (viii) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

(2) Aircraft Charter or Aircraft Management Operator

a) Scope of Service

An Air Charter Operator engages in the business of providing on-demand common carriage air transportation (persons or property) to the general public for hire, on a prearranged basis as defined under 14 CFR Part 135. An Aircraft Management Operator is an Operator engaged in the business of providing aircraft management including, but not limited to, flight dispatch, flight crews, or Aircraft Maintenance to the general public.

b) Minimum Standards

(i) Operators shall provide:

1. a minimum of 3,600 square feet of space meeting local code requirements to accommodate a hangar for storage of aircraft
2. adequate space for offices, public restrooms, and a customer lounge and meeting local code requirements
3. sufficient automobile parking space in accordance with all applicable zoning ordinances and building codes for the City
4. a paved aircraft parking ramp, with taxiway access, sufficient for the temporary parking of three Airplane Design Group II aircraft.

(ii) Have and maintain during the term of the tenancy at the Airport, proper licenses and shall operate in conformance with all appropriate FAA regulations.

(iii) For Aircraft Charter Operators, hold a proper Commercial Operator certificate and own or have available to it under written lease no fewer than 1 single-engine (4-place) aircraft equipped for and capable of use under instrument condition that meet the requirements 14 CFR Parts 119 and 135.



- (iv) Have the premises open and services available to the public 8 hours daily, 6 days per week, but shall provide “on-call” services 24 hours daily, 7 days a week.
- (v) Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category but never less than 1 FAA-certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by the Operator.
- (vi) Have available sufficient qualified operating crews or satisfactory number of personnel for checking in passengers, handling of luggage, ticketing, and/or furnishing or arranging for suitable ground transportation.
- (vii) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

### (3) Commercial Hangar Operator

#### a) Scope of Service

A commercial hangar operator develops, owns, and/or leases facilities for the purpose of subleasing conventional and/or T-type hangars and tie-down areas to the general flying public.

#### b) Specific Standards of Operation

- (i) Construct buildings in accordance with design, zoning, and construction standards required and established by the City for the facility or activity involved.
- (ii) FBOs seeking to construct conventional multi-aircraft hangars shall lease from the City sufficient land to construct a minimum 20,000 square foot hangar.
- (iii) SASOs seeking to construct conventional multi-aircraft hangars shall lease from the City sufficient land to construct a minimum 8,000 square foot building.
- (iv) For T-type hangars, Operators shall lease sufficient land from the City to construct a minimum of 6 units per building.
- (v) Construct a paved aircraft parking ramp, with taxiway access, sufficient for the temporary parking and maneuvering of three Airplane Design Group I aircraft.
- (vi) Provide a sufficient number and type of fire extinguishers for building(s) as required by federal, State, and local laws and regulations and towing equipment capable of maneuvering aircraft to and from the hangar.

- (vii) Provide sufficient customer and employee parking as required by local code and zoning requirements of the City.
- (viii) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

The lease of City-owned Airport property to an entity, or entities for the purpose of constructing and/or occupying a hangar for the non-commercial storage of aircraft is not considered a Commercial Aeronautical Activity and is not subject to these minimum standards. Said premises are not to be used for any business or purpose other than that authorized by the City.

#### (4) Flight Training

##### a) Scope of Service

A Flight Training Operator is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo operation of aircraft and providing such related ground school instruction as is necessary for taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

##### b) Minimum Standards

###### (i) **14 CFR Part 61 Flight Training Operators**

Premises for Operators providing flight instruction services in accordance with 14 CFR Part 61, shall include adequate office space, classroom, and a flight planning area with equipment, phones, public restrooms, two aircraft tie-down spaces for Airplane Design Group I aircraft, and sufficient customer and employee parking as required by local zoning and building code requirements. In addition, these Operators shall have available for use in flight training, either owned or under written lease, at least two aircraft properly certificated to handle the proposed scope of operation; at least one of which shall be equipped and capable of use in instrument flight instruction.

###### (ii) **14 CFR Part 141 Flight Training Operators**

Operator's premises shall include 7,500 square feet of building space consisting of adequate hangar storage area, briefing areas, office space, classroom, flight simulator areas, kitchen, flight planning area with equipment, phones, and public restrooms. In addition, 4 aircraft tie-down spaces for Airplane Design Group I aircraft and sufficient customer and employee parking as required by local zoning and building code requirements is to be provided. In addition, these Operators are to have available for use in flight training, either owned or under written lease, at least 3 aircraft properly certificated to handle the proposed scope of operation, at least two of which shall be a four-place aircraft equipped and capable of use in instrument flight instruction.

- (iii) Operators conducting 14 CFR Part 141 Flight Training Operations are to be properly certified by the FAA.
- (iv) Flight Training Operators shall have the premises open and services available to the public 8 hours daily, 5 days each week, weather permitting.
- (v) Flight Training Operators shall employ at least one flight instructor who has been properly certificated by the FAA to provide the type of instruction being offered.
- (vi) Flight Training Operators shall procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

## 5) Independent Flight Instructor

### a) Scope of Services

Independent flight instructors will be permitted to provide aircraft flight instruction at times of his or her choosing without meeting the requirements of Sub-paragraph 4 of this section. This Permit allows instruction only to those receiving instruction in their own aircraft or for specialized flight instruction not provided by an FBO or Flight Instruction SASO.

### b) Minimum Standards

- (i) Operator shall obtain a City Business License in accordance with City Code as well as register to do business in the State of Vermont with the Vermont Secretary of State.
- (ii) Operator shall demonstrate to Director of Aviation that he/she has secured adequate non-public office space on the Airport to conduct the proposed activity.
- (iii) Operator shall obtain from the Director of Aviation an Independent Flight Instructor's Airport Business Permit which requires:
  1. Proof of proper and current licenses certified by the Federal Aviation Administration, with appropriate ratings to cover the type of training offered.
  2. Proof of a City Business License and Secretary of State registration.
  3. Written assurance that adequate public liability and property damage insurance is provided in such amounts as required by the City to protect the operation and City from legal liabilities resulting from this activity.
  4. A Certificate of Insurance.
  5. Written assurance that all federal, State, and local laws, rules and regulations will be complied with at all times.

6. Written assurance that not more than forty (40) hours of flight instruction will be provided in any one (1) month.

#### (6) Aircraft Rental

##### a) Scope of Service

An Aircraft Rental Operator is a person or persons, firm, or corporation engaged in the rental of aircraft to the public.

##### b) Minimum Standards

- (i) Operators shall provide adequate office space, flight planning area with equipment, phones, public restrooms, two aircraft tie-down spaces for Airplane Design Group I aircraft, and sufficient customer and employee parking as required by local building and zoning code requirements.
- (ii) Have available for rental, either owned or under written lease to Operator, two certified and currently airworthy aircraft, one of which shall be equipped for, and capable of, flight under instrument flight rules.
- (iii) Have the premises open and services available a minimum of 8 hours daily, 5 days a week.
- (iv) Employ and have on duty during the required operating hours, trained personnel in such number as are required to meet the Minimum Standards in an efficient manner to dispatch the rented aircraft.
- (v) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

#### (7) Aircraft Sales (New and/or Used)

##### a) Scope of Service

An Aircraft Sales Operator is a person engaged in the sale of new and/or used aircraft through franchises, or licensed dealerships or distributorships (either on a retail or wholesale basis) of an aircraft manufacturer and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by said Operator.

##### b) Minimum Standards

- (i) Operators shall provide adequate office space, lounge, public restrooms, two aircraft tie-down spaces for Airplane Design Group I aircraft, and sufficient customer and employee parking as required by local building and zoning code

requirements of the City. If Operator utilizes a hangar that can store Operator's entire fleet, no paved tie-downs are required.

- (ii) Provide necessary and satisfactory arrangements for the repair and servicing of aircraft, for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with another Operator at the Airport.
  - (iii) Provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted.
  - (iv) Have available at least one fully-assembled and certificated-airworthy demonstrator aircraft for each category or class of aircraft sold.
  - (v) Have the premises open and services available 8 hours daily, 5 days a week.
  - (vi) Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet these requirements in an efficient manner, but never less than one person having a current pilot certificate with appropriate ratings for the operation being conducted.
  - (vii) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.
- (8) Specialized Aircraft Repair Services (Radios, Propellers, Instruments, Accessories, etc.)

a) Scope of Service

A specialized aircraft repair services Operator is a FAA-certified person or persons, firm, or corporation engaged in a business repairing aircraft radios, propellers, instruments, and/or accessories for general aviation aircraft. This category includes the sale of new and/or used aircraft radios, propellers, instruments, and accessories.

b) Minimum Standards

- (i) Operator shall provide sufficient space to include:
  - 1. an appropriate amount of space meeting local code requirements for repair and shop activities, aircraft, equipment, and parts storage, to include a minimum of 3,600 square feet of hangar space for services that require the inside storage of aircraft.
  - 2. adequate space for offices, public restrooms, and a customer lounge
  - 3. sufficient automobile parking space in accordance with local building and zoning code requirements
  - 4. a paved aircraft parking ramp with taxiway access, sufficient for the

temporary parking of two Airplane Design Group II aircraft.

- (ii) Obtain and maintain, as a minimum, the repair station certificates required by FAA that are applicable to the operation or operations contemplated. The Operator may furnish one or, if desired, any combination of the services listed above.
- (iii) Have the premises open and services available to the public 8 hours daily, 5 days each week.
- (iv) Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category but never less than one person who meets the requirements of the appropriate FAA repairman certification and one other person who need not be rated by the FAA.
- (v) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

#### (9) Air Ambulance

##### a) Scope of Service

A specialized commercial aircraft Operator providing a fixed and/or rotary wing aircraft as well as trained pilots and medical professionals capable of offering medical care and air transportation to sick or injured persons.

##### b) Minimum Standards

- (i) Operator shall provide sufficient space to include :
  - 1. a minimum of 3,600 square feet of space meeting local code requirements for storage of aircraft
  - 2. adequate space for offices, crew quarters, equipment storage, and a waiting area
  - 3. sufficient automobile parking space in accordance with local building and zoning code requirements
  - 4. sufficient paved parking area to accommodate an ambulance type ground vehicle
  - 5. a paved aircraft parking ramp, with taxiway access, sufficient for the parking and maneuvering of the aircraft to be utilized by Operator.
- (ii) Provide a physician, registered nurse or emergency medical technician on an “on-duty” basis, as may be required for individual cases.
- (iii) Provide one pilot with appropriate FAA certificates on duty full time during

normal business hours which shall be eight (8) hours per day, six (6) days a week. Back-up pilots shall be on call during other hours.

- (iv) Maintain current licenses and Permits required by federal, State or local governments for the provision of the proposed medical services. Copies of all required certificates, Permits, licenses, and FAA inspections shall be submitted to the Director of Aviation.
- (v) Provide at least one Aircraft, specifically designed and equipped to transport medical patients for emergency flights, as well as normal treatment transportation. Such Aircraft shall be owned by or available pursuant to a written agreement. A backup Aircraft is to be made available for use when Commercial Operator's Aircraft is not available for use or is out of service for any reason.
- (vi) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.

#### (10) Specialized Commercial Flying Services

##### a) Scope of Service

A specialized commercial flying services Operator is a person or persons, firm or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for any of the activities listed below:

- (i) Non-stop sightseeing flights that begin and end at the same airport within a 25-mile radius of the Airport.
- (ii) Aerial application including crop-dusting, seeding, spraying, bird chasing, fish spotting, etc.
- (iii) Banner towing and aerial advertising
- (iv) Aerial photography or survey
- (v) Fire fighting
- (vi) Power line or pipeline patrol
- (vii) Any other operations specifically excluded from 14 CFR Part 135.

##### b) Minimum Standards

- (i) Operator shall provide sufficient space to include adequate building space and/or land area to meet the requirements of the operation at the Airport subject to the approval of the City.
- (ii) Provide and have based at the Airport, either owned or through written lease to the Operator, at least one aircraft which will be airworthy, meeting all the requirements of the FAA and applicable regulations of the State with respect to the type of operations to be performed.

- (iii) Comply with all applicable City, State, and federal laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the City or its representatives for inspection in a reasonable and timely manner.
- (iv) Employ trained personnel in such numbers as may be required to meet these Minimum Standards in an efficient manner. All flight crews shall meet all applicable FAA regulations pertaining to the type of flights conducted.
- (v) Procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance listed in **Appendix A**.
- (vi) Crop-dusting or other aerial chemical application services will be permitted to operate at the Airport, if the Operator obtains authorization from the Director of Aviation which requires:
  - 1. Proof of proper and current licenses certified by the Federal Aviation Administration, with appropriate ratings to cover the type of aircraft to be operated.
  - 2. Proof of a City of Burlington Business License if required and Vermont Secretary of State registration to do business in Vermont.
  - 3. Written assurance that adequate public liability and property damage insurance is provided in such amounts as required by the City to protect the operation and City from legal liabilities resulting from this activity.
  - 4. Written assurance that all federal, State, and local statutes, rules and regulations will be complied with at all times.
  - 5. Written assurance that the applicant has read and agrees to abide by the Airport's "Spill Prevention Control or Countermeasures Plan".
  - 6. Written assurance that aerial agricultural operations will be limited to less than 5 days per month.

Crop-dusting or other aerial chemical application Operators shall make suitable arrangements and have such space available within their leased premises for the safe loading, unloading, and storage and containment of chemical materials in accordance with all federal, State, and local statutes, rules, and regulations.



## **Section 1-9 Waiver of Minimum Standards Provisions**

The City may, in its sole discretion, waive all or any portion of these Minimum Standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the aircraft industry, responding to natural disasters, or performing fire prevention or fire-fighting operations. The City also may waive any of these Minimum Standards for non-governmental applicants when it deems such waiver to be in the best interest of the Airport and the public, and such waiver will not result in unjust discrimination against similarly situated aeronautical users and/or service providers at the Airport.

Consistency with FAA Airport Improvement Program (AIP) grant assurances and the FAA Airport Revenue Use Policy is to be considered by the City when reviewing a possible waiver of all or any portion of these Minimum Standards.

## **Section 1-10 FAA Required Lease Provisions**

Each Agreement shall contain the following provisions regarding exclusive rights, subordination, emergency leasing to the United States, non-discrimination, and federal grant assurances. The language for these provisions is as follows:

- a) No Exclusive Right. Nothing herein contained shall be construed to permit, grant, or authorize the granting of any exclusive right forbidden by 49 U.S.C. § 40103(e), and §§ 47101 et seq., as those provisions may be amended from time to time.
- b) Emergency Lease to the United States. During times of war or national emergency, the City shall have the right to lease the landing area or any part thereof to the United States Government for military use, and if any such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.

All facilities of the Airport developed with federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft (or their contractor), in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.

- c) Non-Discrimination. Each Operator shall furnish all services authorized or licensed on a fair, equal, and not unjustly discriminatory basis to all users and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that it may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.

Each Operator for itself, its personal representatives, successors in interest, and assignees hereby agrees that:

- (i) No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
  - (ii) In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
  - (iii) That the premises are to be used in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.
  - (iv) The Operator agrees to include the above statements in any subsequent lease agreements that it enters and cause those businesses to similarly include the statements in further agreements.
  - (v) In the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the Agreement and re-enter and repossess the Premises and hold the Premises as if the Agreement had never been made or issued.
- d) Subordination. This Agreement is subordinate to the provisions of any and all existing and future Agreements between the City and the United States of America relative to the operation, maintenance, or development of the Airport, the execution of which may be required as a condition precedent to the expenditure of funds for the development of the Airport, or any part thereof.

**Section 1-11 Operators Doing Business on the Effective Date of These Minimum Standards**

All existing Operators shall become subject to the then current Minimum Standards upon the modification, amendment, extension, or renewal of an existing Agreement.

**APPENDIX "A" INSURANCE**

<b>Activity</b>	<b>Comprehensive General Liability (Aircraft/General Premises/ Products/ Operations) (Combined Single Limit)</b>	<b>Student/ Renter Liability</b>	<b>Hangar Keeper's Liability (Combined Single Limit)</b>	<b>Comprehensive Auto/Fuel Truck Liability (Combined Single Limit)</b>	<b>Environmental Impairment Liability (Each Occurrence)</b>	<b>Statutory Workman's Compensation Insurance</b>
Aircraft Sales	\$1,000,000		\$1,000,000			Statutory Limits Required by State
Aircraft Airframe/ Engine Maintenance & Repair	\$5,000,000		\$1,000,000	\$10,000,000	\$3,000,000	Statutory Limits Required by State
Aircraft Rental	\$1,000,000	\$100,000 Combined Single Limit; Passenger Limited to \$100,000				Statutory Limits Required by State
Flight Training	\$1,000,000	\$100,000 Combined Single Limit; Passenger Limited to \$100,000				Statutory Limits Required by State
FBO	\$10,000,000 (Premises – no general limit aggregate) \$10,000,000 (Products) \$10,000,000 (Refueling ) *If refueling airlines, limits are to be increased to \$50,000,000		\$1,000,000	\$10,000,000	\$3,000,000	Statutory Limits Required by State
Specialized Aircraft Repair	\$5,000,000		\$1,000,000	\$10,000,000	\$3,000,000	Statutory Limits Required by State
Aircraft Charter & Commercial Operator	\$5,000,000		\$1,000,000	\$10,000,000		Statutory Limits Required by State
Aircraft Storage	\$5,000,000		\$1,000,000			Statutory Limits Required by State