

Minimum Standards For
Commercial Aeronautic Activities At
The Enterprise Municipal Airport

The City of Enterprise, Coffee County, Alabama, herewith provides the following standards for a person or persons, firm or corporation, based upon and engaging in one or more commercial aeronautical services at the Enterprise Municipal Airport.

Section 1

Unless from the context a different meaning is apparent as used in these standards, the terms hereinafter used shall be defined as follows:

“City” shall mean the City of Enterprise, Alabama

“Airport” shall mean the Enterprise Municipal Airport, Coffee County, Alabama

“Person” shall mean an individual, partnership, firm, association, corporation or other business entity.

“FAA” shall mean the Federal Aviation Administration

“ALDOT” shall mean Alabama Department of Transportation, Aeronautics Division

Section 2 – Application Procedures

A copy of these Minimum Standards, as amended, shall be made available to each applicant wishing to establish aeronautical activity on or related to the Airport and said applicant shall make application in writing to the City, setting forth in detail the following:

1. Business Plan along with the following information:
 - (a) The name and address of the applicant;
 - (b) The proposed land use, facility and/or activity sought including location and size;
 - (c) The names and the qualifications of the personnel to be involved in conducting such activity;
 - (d) The financial responsibility and technical ability of the applicant and operator to carry out the activity sought;
 - (e) The tools, equipment, services, and inventory, if any, proposed to be furnished in connection with such activity;
 - (f) The requested or proposed date for commencement of the activity and the term of conducting the same;
 - (g) The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.

Section 3 – Notice and Hearing

Upon the filing of such an application with the City, it shall be reviewed and considered at the next scheduled meeting.

If such application involves conduct of an aeronautical activity for commercial purpose, a notice shall be posted on the terminal door apprising interested persons of the scheduled meeting referenced above.

The Mayor and Airport Manager, in consultation with the City's consulting engineer, shall review the application relative to the standards and qualifications as herein established and recommend to the City whether or not such application should be approved in whole or in part, and, if so, upon what terms and conditions.

Upon receipt of the recommendation the City shall approve, modify or reject such recommendations and application; refer the recommendation to the City Attorney for action on land leases; and immediately advise the applicant of the disposition in the matter.

Section 4 – Lease or Contract

Upon approval of any such application as submitted or modified, the City shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions under which the commercial aeronautical operation shall be conducted. In every instance the lease or contract shall be conditional upon the following:

- (a) Initial and continued compliance with the Minimum Standards for each authorized aeronautical activity. The lease shall refer to and incorporate these Standards by reference. Failure to comply after notification shall constitute grounds for termination or cancellation of the lease.
- (b) Any structure or facility to be constructed or placed upon said Airport shall conform to all safety regulations of the State of Alabama, Coffee County, and the City, and shall conform to the requirements of the current building codes, permitting and fire regulations of the City. A FAA Form 7460 must be completed and submitted to the FAA by the applicant and the City shall be copied on the submission. No construction can begin until the FAA's evaluation is returned showing no adverse effect to navigational air space is detected. Any construction commenced will be diligently pursued to completion. Performance and payment bonds commensurate with the value of the construction shall be required unless specifically waived by the City in writing.
- (c) The City shall reserve the right to modify or alter these Standards from time to time; however, any increase or expansion in the Standards shall not apply retroactively to an existing lease but would be applicable at time of renewal or extension of any leasehold term.

Section 5 – Commercial Operations

Definitions

For the purpose of this section, a "business or commercial activity" means and includes the following types of activities when done for hire, compensation or reward:

- A. Retail sales of goods, wares, merchandise or services;
- B. Pilot training and flight instruction;
- C. Sale, rental or charter of aircraft;
- D. Air carrier and air taxi operations;
- E. Sale of aviation petroleum products;
- F. Sale or service of aircraft parts, avionics, instruments or other aircraft equipment;
- G. Repair, maintenance, rebuilding, alteration or exchange of aircraft engines, components or other parts;
- H. Flying clubs; and/or,
- I. Any other activity approved by the City.

Operating Policy

As the operator and proprietor of the airport, on behalf of the citizens of the City, it is the intent of the City Council:

- A. To operate the airport in a business-like manner with as little cost as possible to the taxpayers through the imposition of fair and reasonable rentals, fees and charges;
- B. To provide for both private and commercial aviation at the airport to the extent practicable within physical, economic and environmental constraints;
- C. To provide for the full range of on-base aeronautical support consistent with the need for the service and the availability of space and physical facilities;
- D. To protect the airport patrons and users from unsafe and inadequate aeronautical service and to maintain and preserve all airport facilities in a safe, secure and orderly condition;

- E. To promote fair competition and not expose those who have lawfully undertaken to provide commodities and services at the airport to irresponsible or unethical business or commercial activity on the airport;
- F. To permit and provide adequate facilities for owners of general aviation aircraft to work on and service their own aircraft within the limits as may be imposed by this section or airport regulation for purposes of safety, preservation of airport facilities, and protection of the public interest;
- G. To promote the utility, educational and recreational aspects of general aviation.

Prohibited Acts

It is improper and prohibited for any person to engage in any business or commercial activity on the airport without a lease or other written agreement approved by the Council, or a sublease from a duly authorized master lessee which is approved in writing by the City. For the purposes of this article a "person" means an individual or group of individuals, including a company, partnership, corporation, business entity or other association. This prohibition shall also apply to persons who use the airport as a base for conducting their activity but whose office or other place of business is not situated at the airport. This prohibition does not apply to:

- A. Aircraft operations in which the flight originates and terminates elsewhere and the airport is used as a temporary stopping place for such purposes as landings, refueling, or other aeronautical service, or the embarking or debarking of passengers, except in the case of charter or air taxi airlines;
- B. Company or corporate-owned aircraft where personnel or products are transported free of charge, the trip being merely incidental to the company's principal business and not, in itself, a major enterprise for profit;
- C. Casual or isolated transactions such as sales by the owner, an owner/pilot giving occasional flight instruction, or the like;
- D. No lease or license for the exclusive right to provide an aeronautical service, operation or activity on the airport shall be issued or approved.

However, even as to activities which may not be prohibited as set out in A.-D. above, the City reserves the right to prohibit the same under circumstances where the City finds the same not to be in the best interests of the City.

Appropriate Allocation of Ground Space--Structures to Comply with Building Regulations

Leases for aeronautical and commercial activities on the airport shall be issued and approved contingent on the lessor constructing or providing a structure or structures on the leased property

appropriate to the type of aeronautical or commercial activity to be conducted. Ground space allocations under lease agreements shall be made in accordance with a master plan and land use plan adopted by the City for development of the airport. All structures erected on the airport shall comply with all applicable building regulations as may be in effective or required by the City. Structural and architectural design of all structures shall be subject to approval by the City but such approval shall not constitute a guarantee or warranty as to the safety, building worthiness or workmanship of any such structures and would instead be given to make sure the structure(s) complies with the Airport's master plan. Termination of a ground lease without other satisfactory arrangements having been made with the City shall automatically revoke the permission to conduct an aeronautical or commercial activity on the airport.

Procedures for Acquiring Lease.

When a person, corporation or other entity desires to enter into a lease with the City for land on the airport, the person must contact the airport manager and Mayor and make the request known. The City shall negotiate with the interested party to arrive at lease provisions and costs which reflect fair market values and include provisions to increase lease amounts in future years based on appropriate economic factors. Prior to entering into any lease for property at the airport, the prospective lessee must present to the City satisfactory evidence that it meets the minimum standards established herein for engaging in business at the airport.

Fixed-Base Operator's License Issued Subject to Compliance.

- A. A general fixed-base operator's license will be issued subject to the compliance with all conditions hereinafter imposed and upon proper application, to a person or company providing the following services:
 - 1. Fuel and oil sales;
 - 2. Flight training services;
 - 3. Aircraft charter and taxi services;
 - 4. Aircraft rental and sales;
 - 5. Sale of aircraft parts, accessories and hardware;
 - 6. Repair, overhauling and modification of aircraft or equipment; or,
 - 7. Any other activity approved by the City.
- B. A special fixed-base operator's license will be issued subject to the compliance with all conditions hereinafter imposed and upon proper application, to a person or company providing some but not all of the services required of a general fixed-base operator.

- C. Aviation fuel will be sold on the airport only by the City or, if prior written approval is given by the City, by a duly licensed fixed-base operator. Nothing in this section shall be construed so as to limit the right of any person to provide fuel for his/her own aircraft. However, such self-service fueling shall meet all applicable City, state and federal safety regulations.
- D. Nothing herein is intended to prevent persons from selling goods or services during a special event on the airport approved by the airport manager.

Agricultural Chemical Application--Requirements to Engage In

Except for those persons or firms authorized by lease agreement to conduct agricultural spraying operations from the airport at the time the ordinance codified in this section was approved no lease shall be approved allowing the conduct of an agricultural spraying operation from the airport unless the potential lessee agrees to construct a facility for the mixing, loading and storing of chemicals and pesticides which would prevent chemicals or contaminated water from entering the ground, septic or sewer system of the facility. Approval may be given after reviewing facility plans with appropriate agencies to determine the safety and effective working of the facility.

Those lessees authorized to conduct agricultural spraying operations from the airport shall keep all leased property in a clean and orderly condition at all times, and the area shall be free from chemical odors, as much as possible. All chemicals shall be handled, loaded and stored safely. Persons engaged in this activity shall be in compliance with all City, state and federal rules and regulations regarding agricultural chemical handling and application, and shall be correctly permitted and/or licensed to conduct such activity.

Insurance Coverage Required

All lessees on the airport property shall obtain and maintain insurance coverage for liability, with the City being named in the policies as an additional insured. Amounts of coverage shall be set at appropriate levels by the airport manager or Mayor, or as otherwise established in a lease agreement.

Rates and Charges Established by Council

A schedule of rates and charges for use of the airport and its facilities shall be established by the Council, and each person or organization subject to the rates and charges shall promptly pay the amounts due. A copy of the schedule shall be available at the airport office.

Each individual or Corporation desiring to conduct aeronautical activities on the airport must satisfy to the City:

- (a) That the applicant has sufficient management experience and available personnel to conduct the proposed service or activity in an efficient and workmanlike manner.
- (b) That the applicant is financially responsible and able to provide the facilities and services proposed.
- (c) That the applicant has or can reasonably obtain necessary certificates from the FAA or other authority where the same are required for the activity proposed.
- (d) That the applicant must furnish liability indemnity insurance in the amount as required by the City, or bond to protect, defend, indemnify and hold the City harmless from any liability in connection with the conduct of the activity proposed.

Section 6 – Standard Agreement Provisions for All Operators

Each individual or corporation conducting commercial aeronautical activities on the Airport is subject to these general provisions:

- (a) All individuals or corporations conducting commercial aeronautical activities on the Airport shall abide by and comply with all State, County and applicable City laws and ordinances, the rules and regulations governing such Airport, and the rules and regulations of the Federal Aviation Administration and the Alabama Department of Transportation, Aeronautics Division.
- (b) All contracts and leases between such operators and the City shall be subordinate to the provisions of any existing or future agreement between the City and the United States or State of Alabama relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal or state funds for the development of the Airport properties and any existing or future bond indebtedness, mortgage, indenture or other security instrument given by the City to some third party.
- (c) No commercial aeronautical operator shall sublease or sublet any premises leased by such operator from the City or assign any such lease, without the prior written approval of the City, and any such subletting or assignment shall be subject to all of the minimum standards herein set forth.
- (d) No operator shall be permitted to operate at the airport without a fully executed lease agreement with the City of Enterprise containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the City of Enterprise to be necessary on account of any building or other construction which may be required under such leases or any other special circumstances which may be applicable to such particular operator.
- (e) Land use maps approved by the City of Enterprise showing the present and future fixed base operators' areas on the Airport property, and this land use map is hereby made a part of these minimum standards the same as it set out in full herein.
- (f) All commercial aeronautical operators shall absolutely indemnify, defend and hold harmless the City, its agents, mayor, councilmen, officers, servants, or employees from any and all liability resulting from all operations conducted. All operators shall furnish the City with a copy of a current Certificate of insurance with at least the minimum coverage as specified by their lease.
- (g) Insurance coverage shall be a condition precedent to any rights under their lease contract. As a minimum, Lessees shall carry Liability and Bodily Injury and Property Damage of Combined Single Limit. This shall be supplemented by additional insurance commensurate with catastrophe implications of equipment used by the Lessee.

Section 7 – General Fixed-Base Operator

A General Fixed-Base Operator must be approved by the City and shall be only those individuals, corporations, business entities or firms which are authorized to engage in and furnish a full range of commercial aeronautical activities and services which shall include, as a minimum, the following:

- (a) Sale or dispensation of aviation gasoline, fuels, and oils and/or,
- (b) Adequate and efficient ramp service and/or,
- (c) Capability to perform FAA approved major airframe, power plant and accessory maintenance and to furnish necessary tools and equipment for such maintenance. Operators may comply with this provision by securing facilities and services through normal agreement with other Lessees located on the airfield.

Section 8 – Standards for Specific Aeronautical Services

In addition to meeting the requirements set forth in Sections 5 and 6 above, each operator conducting the following specific activities shall meet the requirements set forth below:

- (a) Fuel and Oil Sales or Dispensation. Fuel and oil sales or dispensation shall not be authorized except as approved in writing by the City and to those operators conducting the minimum services to qualify as a General Fixed-Base Operator listed in Section 7 above. Persons conducting aviation fuel and oil sales or dispensation on the Airport shall be required to provide:
1. Hard surface ramp space accessible by taxiway with electric pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for 100 octane low lead aviation and standard jet fuel.
 2. Properly trained line personnel on duty at least eight hours of every calendar day, seven days a week, and on call by readily accessible telephone within one hour during the day or night.
 3. Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows and windshields, and for recharging discharged aircraft batteries or energizing aircraft starters.
 4. Conveniently located (air-conditioned and heated) lounge or waiting rooms for passengers, and airplane crews of itinerant aircraft, together with sanitary rest rooms and public telephones.
 5. Adequate towing equipment and parking and tie-down area to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
 6. Adequate inventory of generally accepted grades of aviation engine oil and lubricants.

In conducting refueling operations, every operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.

- (b) Airframe, Power plant and Accessory Maintenance. Persons or corporations operating aircraft engine and accessory maintenance service shall provide:
1. Sufficient hangar space to house any aircraft upon which such service is being performed.

2. Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance has been completed.
 3. Adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair of parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft. As well as adequate shop space to house equipment.
 4. At least one FAA certificated airframe and power plant mechanic available during eight hours of the day, five days a week and on call other hours.
 5. Additional separately partitionable space with adequate exhaust fans and fire protection, meeting all City and code requirements, for spray painting if this type of work is performed.
 6. Storage for aircraft undergoing repair. Aircraft shall not be stored for salvage operations. Any aircraft undergoing repair and to be in a non-airworthy condition in excess of 30 days shall be screened from public view.
- (c) Based Commuter Air Carrier. A commuter air carrier is a person or persons, firm or corporation providing scheduled air transportation and certified as an air taxi and commercial operator in accordance with Federal Aviation Regulations Part 135. Each based operator shall provide:
1. Land – The operator shall lease from the City an area of adequate ground space to provide for buildings, aircraft storage, paved apron, and auto parking.
 2. Buildings – The operator shall lease or erect a hangar with storage space sufficient for the largest aircraft used, a building to provide adequate floor space for offices, customer lounge, and rest rooms, all of which must be heated, lighted, and air conditioned, and provide public use telephone service. In addition, the operator must provide a paved apron to accommodate aircraft movement from the operation building to the taxiway.
 3. Personnel – The operator shall possess all required qualifications or have within his employ at least one (1) currently FAA certified commercial pilot who has a current rating(s) for the aircraft offered for scheduled use. Any and all pilots employed by the operator must meet and maintain all FAA requirements relative to air taxi and commercial operations on a scheduled basis.
 4. Hours of Operation – Hours of operation shall be as mutually agreed upon by the operator and the City, except that operating hours may be influenced and regulated by approved and posted flight times. An operator's representative will be present at the ticket/waiting area no less than one hour prior to the departure of any scheduled flight. The operator shall provide the public a contact with a

minimum of 24 hours of telephone answering service for flight information and reservations.

5. Certification – The operator shall have and maintain all appropriate FAA certificates, or applicable to scheduled air charter and/or air taxi operations.
6. Aircraft – The operator shall provide at least one (1) personally owned or leased multi-engine, three passenger or greater, aircraft. Any or all aircraft provided by the operator shall meet or exceed minimum FAA requirements stipulated for aircraft involved in scheduled air charter and air taxi operations.
7. Operator Fees – The operator shall provide the City with a listing of fees charged for its services, along with subsequent charges thereto. Reports – The operator shall provide the City with a monthly report of flight departures, passengers and cargo transported. This report shall be transmitted to the City by the fifteenth day of the month following the reporting period.
8. Public liability and property damage insurance occurrence policy sufficient to protect the operator and the City of Enterprise from legal liabilities involved. The policy shall meet the City's requirements and shall be in place prior to activity of any kind whatsoever.

***Federal Aviation Regulations Part 135 shall be the governing document**

- (d) Flight Training. All persons conducting flight training activities shall ~~provide~~ comply with Federal Aviation Regulations Part 141 or Part 61, as the case may be and as those Regulations apply, and will maintain public liability and property damage insurance occurrence policy sufficient to protect the operator and the City of Enterprise from legal liabilities involved. The policy shall meet the City's requirements and shall be in place prior to activity of any kind whatsoever.
- (e) Based Air Taxi and Commercial Operator. An air taxi and commercial operator is a person(s), firm or corporation engaged in providing unscheduled air transportation to the public for hire as an air taxi operator, certificated in accordance with Federal Aviation Regulation Part Number 135; and/or engaged in providing pilots and other flight crew personnel on an hourly, daily or other contractual basis to firms and individuals owning and/or operating their own aircraft, Each based operator shall provide:
 1. Land – Land use for the above activities shall be as mutually agreed upon by the City and parties involved.

2. Buildings – The operator shall lease or erect a building to provide adequate floor space for offices, rest rooms, and hangar, of which the offices and rest rooms must be heated, lighted, and air conditioned.
3. Personnel – The operator shall possess all required qualifications or have within his employ at least one (1) currently FAA certified commercial pilot who has a current rating(s) for the aircraft offered for hire. Any and all pilots employed by the operator must meet and maintain all FAA requirements relative to air charter and taxi operations. The operator shall provide adequate answering or contact service to satisfy public needs.
4. Certification – The operator shall have and maintain all appropriate FAA certificates, as applies to air taxi operations.
5. Aircraft – The operator shall provide as a minimum one (1) personally owned or leased single-engine four place aircraft. Any or all aircraft provided by the operator shall meet or exceed minimum FAA requirements stipulated for aircraft involved in air charter and air taxi operations.
6. Reports – The operator shall provide the City with a monthly report of flight departures, passengers and cargo transported. This report shall be transmitted to the City by the fifteenth day of the month following the reporting period.
7. Shall provide passenger liability insurance of at least \$250,000 per passenger seat and property damage liability of at least \$200,000.
8. Public liability and property damage insurance occurrence policy sufficient to protect the operator and the City of Enterprise from legal liabilities involved. The policy shall meet the City's requirements and shall be in place prior to activity of any kind whatsoever.

***Federal Aviation Regulations Part 135 shall be the governing document**

- (f) Aircraft Rental and Sales. A person or persons, firm or corporation conducting aircraft rental and sales activity shall provide:
1. Sales of new or used aircraft.
 2. A building with suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof, and hangar storage space for at least the largest aircraft to be used for sales or rental.
 3. For rental, at least two airworthy aircraft suitably maintained and certificated.
 4. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair.

5. A properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft, available at least eight hours of the working day.
 6. The minimum stock of readily expendable spare parts, or adequate arrangements for obtaining spare parts required for the type of aircraft and models sold.
 7. Current up-to-date specifications and price list for types and models, if new aircraft are sold.
 8. Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.
 9. Public liability and property damage insurance occurrence policy sufficient to protect the operator and the City of Enterprise from legal liabilities involved. The policy shall meet the City's requirements and shall be in place prior to activity of any kind whatsoever.
- (g) Crop Dusting and Spraying. A person or persons, firm or corporation seeking to use the Airport as a base from which to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy to the City that:
1. Suitable arrangements have been provided for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the Airport or roadways.
 2. The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.
 3. The operator shall make suitable arrangements for servicing the aircraft with adequate safeguards against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas on the Airport.
 4. Public liability and property damage insurance occurrence policy sufficient to protect the operator and the City of Enterprise from legal liabilities involved. The policy shall meet the City's requirements and shall be in place prior to activity of any kind whatsoever.

Combination of Activities A person conducting a combination of the specific activities listed hereinabove shall not be required to duplicate the requirements of the individual activities but where the requirement of one activity is sufficient to meet the requirement of a separate activity to be conducted the one facility shall be sufficient to meet both requirements.

Section 9 – Off-Base Operator

An Off-Base Operator shall be any individual, corporation or firm which, having been duly authorized and certificated by the Federal Aviation Administration, elects to use the Airport on a recurring basis, in the course and conduct of said business.

Use, as defined in this section, is the landing, taking-off, or parking of aircraft or vehicles owned or leased by the aforementioned operator. The operator shall be required to pay a designated amount per operation, consistent with FAA standards, and comparable to similar airports.