

ORDINANCE 03-18-14

**ORDINANCE ADOPTING/UPDATING MINIMUM STANDARDS
AND STANDARD OPERATING PROCEDURES
FOR ENTERPRISE MUNICIPAL AIRPORT**

WHEREAS, City personnel and the City Council have held meetings with various stakeholders to discuss operations at the Enterprise Municipal Airport;

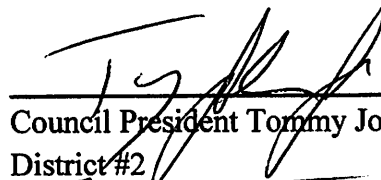
WHEREAS, the City Council finds it is in the best interest of efficient operations at the Enterprise Municipal Airport to adopt and update minimum standards and standard operating procedures;

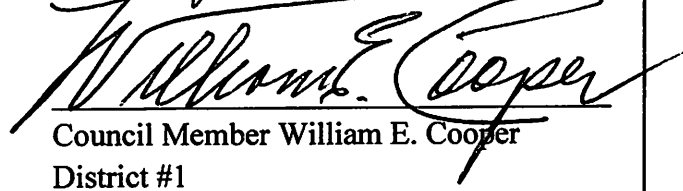
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENTERPRISE, ALABAMA, as follows:

- a) The City Council hereby adopts the attached minimum standards and standard operating procedures related to the Enterprise Municipal Airport and the same are incorporated herein by reference as if fully set out herein.
- b) The provisions of this Ordinance are severable. If any section, subsection or provision shall be declared to be invalid or unconstitutional by judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any other section, subsection or provision of this Ordinance.
- c) Any existing rule, regulation or portion of any ordinance or resolution related to minimum standards or standard operating procedures at the Enterprise Municipal Airport which is in conflict with the attached minimum standards and standard operating procedures is hereby repealed.
- d) This Ordinance shall take effect upon its approval by the City Council, or upon its otherwise becoming law, but shall nevertheless be published as required by law.

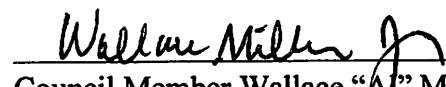
Adopted this 1st day of April, 2014.

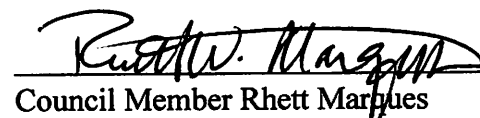
COUNCIL:


Council President Tommy Johnson, Jr.
District #2

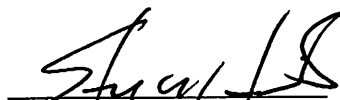

Council Member William E. Cooper
District #1


Council Member Kirk Donaldson
District #3


Council Member Wallace "AJ" Miller, Jr.
District #4

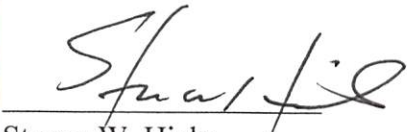

Council Member Rhett Marquis
District #5

ATTEST:

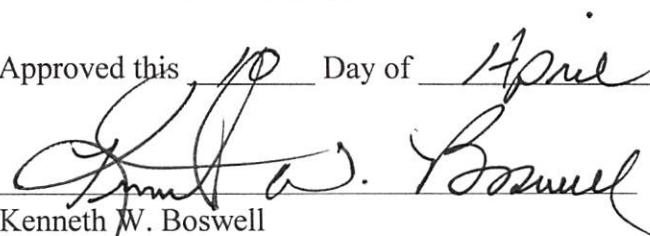

Steven W. Hicks
City Clerk/Treasurer

Transmitted to the Mayor this 10th Day of April, 2014.

ATTEST:


Steven W. Hicks
City Clerk/Treasurer

ACTION OF THE MAYOR:

Approved this 10 Day of April, 2014.

Kenneth W. Boswell
Mayor

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 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.

Standard Operating Procedures For The Enterprise Municipal Airport

Section 1. General Provisions

Definitions

All words and phrases used in this section shall have the following meaning, unless its context requires otherwise. All definitions contained within the Federal Aviation Act of 1958 (FAA Act), Code of Federal Regulations 14, and all amendments thereto are incorporated herein. All definitions shall be interpreted consistently with the Federal Aviation Act and amendments thereto.

"Aircraft" means a device that is used or intended to be used for flight in the air, including helicopters and ultra-light vehicles.

"Airport" means all of the areas comprising the Enterprise Municipal Airport, as now existing or as the same may hereafter be expanded and developed and shall include all of its facilities.

"Airport" includes all airports owned or operated by the city.

"Airport Manager" means the employee hired by the City of Enterprise to oversee the day to day operations of Enterprise Municipal Airport or his/her designee.

"Commercial activity" means the conduct of any aspect of a business or concession on the airport for revenue.

"City" means the City of Enterprise.

"Council" means the City Council.

"Field area" means that area used for aircraft taxiing, run up, takeoff, landing, tie-downs, loading and unloading of passengers and baggage. Field area shall include all areas used by vehicles or pedestrians to gain access to any of the above, and shall include all additional areas designated by the airport manager as a field area.

"General fixed-base operator" means a person, firm or corporation subject to the provisions of a lease and nonexclusive license engaging in the following: the sales, service, renting, or leasing of new or used aircraft, parts, aircraft accessories and hardware, custom repair, overhauling, and modification of general aviation aircraft and/or aircraft equipment, including the conduct of charter flight service, aerial photography and flight schools.

"Operator" means the person, firm or corporation in possession of an aircraft or vehicle or any person who has rented such for the purpose of operation by him/herself or an agent.

"Owner" means a person who holds the legal title of an aircraft or a vehicle, or in the event that the aircraft or vehicle is the subject of a conditional sale or lease thereof within the right of purchase upon performance of the conditions stated in the agreement, and with the immediate right of possession vested in the conditional vendee or lessee or anyone in possession of an aircraft or vehicle on the airport or in the event of a mortgagor of an aircraft or vehicle is entitled to the possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of these rules and regulations.

"Public area" means all other airport areas not field areas, except those areas designated by a tenant or the director as nonpublic areas. The airport manager shall have the power to overrule a tenant's designation of an area as a nonpublic area and may designate the area to be public.

"Park" or "parking" means the standing of an aircraft or vehicle whether occupied or not.

"Pedestrian" means any person afoot.

"Permission" or "permit" means permission granted by the airport manager unless otherwise specifically provided herein.

"Special fixed-base operator" means a person, firm, or corporation subject to the provisions of a lease and nonexclusive license engaging in some but not all of the activities of a general fixed base operator.

"Vehicle" means a device in, upon or by which a person or property is or may be propelled, moved, or drawn upon a highway excepting a device moved by human power.

Administration Authority--Operation-- City Held Harmless.

- A. In addition to the requirements of the Federal Aviation Administration, the Civil Aeronautics Board, and ALDOT/Aeronautics Division, the airport manager may promulgate such rules and regulations, orders and instructions as are necessary in the administration of this section. The airport manager may post signs at the airport which state or apply the rules, regulations, orders or instructions. Each person on the airport shall comply with all rules, regulations and signs posted by the Airport Manager pursuant to this section. Each member of the staff of the airport manager, as a representative of the airport manager, is empowered to require compliance with

the provisions of this section and all rules and regulations issued by the airport manager.

- B. The airport shall be conducted as a public air facility for the promotion and accommodation of civil aviation and associated activities.
- C. The privilege of using the airport and its facilities shall be conditioned on the assumption by the user thereof of full responsibility and risk for such use, and the user thereof releases and agrees to hold the City and its officers, mayor, councilmen and employees harmless, and to indemnify them from any liability or loss resulting from the use. The City reserves the right to deny use of the airport to any person who is judged by the airport manager to be endangering the public's safety, health or welfare or for any other reason for the good of the City.

Section 2. Property Regulations

City Not Liable

The city assumes no responsibility or liability for loss, injury or damage to persons or property on the airport or using airport facilities, including but not limited to fire, vandalism, wind, flood, earthquake, or collision damage, nor does it assume any liability by reason of injury to person, including death, or property while using the facilities of same.

Damage to Airport Property--Responsible Party to Comply with Rules for Compensation

Any person causing, or liable for, any damage to airport property, shall be required to pay the City on demand the full cost of repairs to the damaged property. Any person failing to comply with these rules may be refused the use of the airport.

Damage, Injurious Activities and Abandonment Prohibited

No person shall destroy, injure, deface or disturb in any way any building, sign, equipment, marker or other structure, tree, shrub, flower, lawn or seeded area on the airport, except as authorized by the airport manager.

No person shall conduct on or at the airport, activities that are injurious, detrimental or damaging to the airport property business of the airport or persons.

No person shall abandon any personal property at the airport.

Explosives Prohibited

No person shall carry any unauthorized explosives on the airport.

Unauthorized Aircraft or Vehicles Removed.

Any unauthorized aircraft or vehicle which has been parked in any unauthorized space may be removed or caused to be removed by the airport manager at the owner or user's expense.

Building/Structures on Airport Property

The airport manager shall have the right to require the removal or repair of equipment or materials, including but not limited to objects in any airport facilities, that appear unsightly or cause hazards to airport users. This shall include cosmetic appearances of hangers.

Authority to Eject

Should there be any risk of danger to the public or property on/at the airport, the airport manager shall have the right to cause to be ejected from the airport premises, any vehicle, person or aircraft operator guilty of violation of any provisions of these Standard Operating Procedures.

Hangar Waiting Lists

Individuals who desire a hangar space but who cannot obtain one due to no vacancies, may, upon request to the City Clerk, be placed on a waiting list.

The official hangar waiting list will reside and be maintained by the City Clerk's office.

Those individuals appearing on the waiting list will be notified, as set out below, when a hangar space is available. The individual shall have seven (7) days from the date notice is made by the City Clerk to state whether he or she desires to lease a hangar space and ten (10) days thereafter to sign a hangar lease. If said individual chooses not to lease a hangar space or fails to give return notice to the City Clerk or his/her designee as to said individuals intentions within the seven (7) day time period stated above, he or she shall be removed from the hangar space waiting list. Only one individual may be placed on the waiting list per requested hangar space. In case a member of the armed forces who is deployed, he or she may designate a family member contact person in lieu of himself/herself.

Those individuals who appear on the waiting list shall choose which type of means of notice they desire for the City Clerk or his/her designee to provide notice to him/her. Such types of means of notice shall be one of the following: (1) a phone number, *or* (2) a fax number *or* (3) an email address. It shall be the responsibility of the individual on the waiting list to provide the City Clerk with any updated phone number, fax number or email address and under no circumstances will the City Clerk or his/her designee be required to use more than one means of notice or "track-down" the individual on the waiting list.

No person other than the City Clerk or his/her designee shall have authority to place any individual on the waiting list.

Section 3. Aircraft Operations

Aircraft Operations Regulations

- A. No person shall conduct any aircraft operation to, or from or over the airport except in compliance with all Federal Aviation Administration regulations, the applicable provisions of Alabama Revised Statutes, this section, and the rules and regulations promulgated by the City of Enterprise.
- B. No person shall park an aircraft on any runway or taxiway at the airport.
- C. No person shall park or store an aircraft at the airport except in areas designated by the airport manager.
- D.

No maintenance on the Aircraft shall be performed in the Hangar without the prior written approval of Lessor, except such maintenance as would normally be performed by an aircraft owner or such maintenance performed by a certified Airframe and Powerplant mechanic or holders of a FAA Inspection Authorization for the performance of Annual and 100 Hour inspections and other minor and routine maintenance to include oil changes, spark plug maintenance, maintenance to engine accessories such as magnetoes and vacuum pumps, replacement and calibration of avionics and flight instruments, which may required the services of certified maintenance personnel. Lessee shall take such steps so as to ensure that the performance of such maintenance work shall not damage the Hangar. Lessee shall control the conduct and demeanor of its employees and invitees, and of all those doing business with, in and around the Hangar, and shall take all steps necessary to remove persons whom Lessor may, for good and sufficient cause, deem objectionable. In utilizing the Hangar during the term of this Agreement, Lessee agrees to and shall comply with all applicable ordinances, rules and regulations established by any federal, state, or local government agency.
- E. No person shall take any aircraft from the airfield or hangers or operate such aircraft while under the influence of intoxicating liquor or illegal or dangerous drugs.
- F. Persons parking transient aircraft overnight on terminal transient areas shall register their aircraft with the airport manager or his/her representative as soon as possible after landing at the airport and pay appropriate tie-down fees.
- G. All owners and operators who desire to base their aircraft at the airport shall register their aircraft with the airport manager or his/her representative prior to beginning

operations. Any change in ownership of the aircraft shall be reported as soon as possible.

- H. If the airport manager believes the conditions at the airport, or any portion thereof, is unfavorable for aircraft operations, he/she may close the airport, or portions thereof, using applicable Federal Aviation Administration procedures, as appropriate.
- I. No aircraft shall be permitted to remain on any part of the landing or takeoff areas for the purpose of repairs.
- J. No person shall, without the owner's permission, interfere or tamper with an aircraft parked or stored at the airport.
- K. No person shall move an aircraft on the airport in a negligent or reckless manner.
- L. No person shall start or taxi any aircraft in a place where the air or exhaust blast is likely to cause injuries to persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desirable destination.

Accident Procedures

- A. Persons involved in aircraft accidents occurring at the airport shall make a full report thereof to the airport manager or his/her representative as soon as is possible after the accident. The report must include all pertinent information. For the purposes of this section, an aircraft accident shall include any event involving an aircraft and a motor vehicle, other aircraft, person or stationary object which results in property damage, personal injury or death.
- B. Any person damaging property on the airport by means of contact with aircraft shall report the damages to the airport office immediately and shall be fully responsible to the City for the cost of repairs.
- C. Every pilot and aircraft owner shall be responsible for the prompt removal of any disabled aircraft or parts hereof, as directed by the airport manager or his/her representative, subject to accident investigation requirements.

Section 4. Motor Vehicles

General Regulations

- A. No motor vehicle shall be operated on the airport if it is so constructed, equipped or loaded as to endanger persons or property.
- B. Each operator of a motor vehicle involved in any accident on the airport that results in personal injury or property damage, shall make a full report to the manager or his/her representative as soon as possible after the accident.
- C. No person shall operate any motor vehicle on the airport in violation of this section, or rules and regulations promulgated by the airport manager or the laws of the state.
- D. No person shall operate a motor vehicle on the airport in a negligent or reckless manner, or in excess of posted speed limits.
- E. No person shall park or stand a motor vehicle at any place on the airport in violation of any sign posted by the airport manager, or within fifteen feet of a fire hydrant, or in a manner as to block any fire gate or entrance, road or taxiway.
- F. No person shall park or stand a motor vehicle in any place not designated for vehicle parking. Approved vehicle parking is posted by signage and conveyed by the airport manager.
- G. The manager or his/her agent may remove, at the owner's or user's expense, any motor vehicle which is parked on the airport in violation of this section. The vehicle shall be subject to a lien for the cost of removal.

Section 5. Roads and Walks

Unauthorized Travel Improper and Prohibited

It is improper and prohibited for any person to travel on the airport except on a road, walk or other place provided for the kind of travel the person is doing.

Obstructions Improper and Prohibited

It is improper and prohibited for any person to occupy or place an object on a road or walk on the airport in a manner that hinders or obstructs its proper use.

Section 6. Fire Hazards and Fueling Operations

Unauthorized Fuel Delivery and Dispensing Improper and Prohibited

It is improper and prohibited for any person to transport or deliver aviation fuels on the airport or dispense fuels into aircraft unless authorized to conduct such activity, except if a person is providing fuel for his/her own aircraft but not in hangars or hangar areas.

Flammable Cleaning Fluids Improper and Prohibited

It is improper and prohibited for any person to use a flammable or volatile liquid having a flash point of less than ninety-six degrees Fahrenheit to clean an aircraft, aircraft engine, propeller or appliance in an aircraft hangar or similar type building, nor within fifty feet of another aircraft, building or hangar.

Open Flame Operations Improper and Prohibited.

It is improper and prohibited for any person to have in his possession an open flame, flame-producing device or other source of ignition (except cigarette lighters or matches for that purpose) in any hangar or similar type of building, except in locations approved by the airport manager.

Smoking Prohibited.

It is improper and prohibited for any person to smoke in any areas during any times when smoking may be a hazard.

Storage Improper and Prohibited When Fire Hazard

- A. It is improper and prohibited for any person to store or stock material or equipment on the airport in a manner that constitutes a fire hazard.
- B. It is improper and prohibited for any person to store any combustible materials, flammable liquids or other hazardous materials in an unsafe manner.

Surface Areas to Be Kept Clean

Each person to who space on the airport is leased, assigned or made available for use shall keep the space free and clear of oil, grease, or other foreign materials that could cause a fire hazard or slippery or other unsafe condition.

Doping Improper and Prohibited

It is improper and prohibited for any person to conduct a doping process on the airport.

Fueling Prohibited When

- A. It is improper and prohibited for any person to fuel or defuel an aircraft in the airport while:
 - 1. Its engine is running or is being warmed by applying external heat;
 - 2. It is in a hangar or enclosed space. Aircraft must be pulled out of hangar to be fueled.
 - 3. Passengers are in the aircraft unless a passenger loading ramp is in place at the cabin door, and a "no smoking" sign is displayed and the rule enforced.
- B. It is improper and prohibited for any person to knowingly start the engine of an aircraft on the airport if there is any gasoline or other volatile flammable liquid on the ground beneath it of sufficient quantity to cause a hazard.
- C. It is improper and prohibited for any person to operate a radio transmitter or receiver, or to switch electrical appliances on or off, in an aircraft on the airport while it is being fueled or defueled.
- D. During the fueling of an aircraft on the airport, the dispensing apparatus and the aircraft shall both be grounded in accordance with orders and instructions of the Manager, FAA and City electrical codes. If the dispensing apparatus is provided or made available by the City, the user should immediately report any grounding defects or suspected grounding defects in such apparatus to the airport manager, should not attempt to repair the same and should not under any circumstances use or continue to use the same.
- E. Each person engaged in fueling or defueling on the airport shall exercise care to prevent the overflow of fuel, and shall have readily accessible and adequate fire extinguishers.
- G. During the fueling or defueling of an aircraft on the airport, no person shall, within fifty feet of that aircraft, smoke or use any material that is likely to cause a spark or be a source of ignition.
- H. Each hose, funnel or appurtenance used in fueling or defueling an aircraft on the airport shall be maintained in safe, sound and non-leaking condition and must be properly grounded to prevent ignition of volatile liquids. Notice of any defects or suspected defects in any such hose, funnel or appurtenance provided by or made available by the City should be immediately reported to the airport manager, should not be used and no repair by the user should be attempted.

Compliance with Fire Code Required.

All persons shall comply with the provisions of the most recently adopted Fire Codes of the City or such other Codes as would be applicable.

Authority to Inspect--Compliance Required.

The City Fire Chief or duly authorized representatives may inspect as often as necessary all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread or endanger life or property from fire. All orders, notices or recommendations shall be complied with by all persons without delay.

Wasting and Dumping of Fuel and Waste Oil

It is unlawful for any person to dump fuel or waste oil in any place or container not designated for such activity.

Section 7. Tenants Regulated

Uses to Be in Conformance

No lessee or sub lessee of airport property shall knowingly allow that property to be used or occupied for any purpose prohibited by this section.

Trash Requirements

- A. It is improper and prohibited for any tenant, lessee, sub lessee, concessionaires or agent of any of them, doing business on the airport, to keep uncovered trash containers on the sidewalk or road or in a public area of the airport.
- B. It is improper and prohibited for any person to operate a vehicle for hauling trash, dirt or other material on the airport unless it is built to prevent its contents from dropping, sifting, leaking or otherwise escaping.
- C. It is improper and prohibited for any person to spill, pour or otherwise discharge any pesticide, herbicide or any hazardous material on any airport property unless performed by a City representative.

Hazardous Storage

It is improper and prohibited for any person to store or stack equipment or material in a manner to be a hazard to persons or property.

Authority to Inspect at Any Time

The manager, Fire Chief, Building Inspector or authorized representative shall have the right at all reasonable times to inspect all areas under lease to or occupied by tenants with minimum 24 hour notification, except for emergency circumstances.

Provisions Incorporated into Lease.

The provisions of this section shall be deemed incorporated into every lease and sublease and violations of the provisions of this section or any rule or regulation pursuant to this section may result in termination of the lease or sublease.

Section 9. Offenses--Violation--Penalty

Interference with lawful activities, Littering, Vandalism Improper/Prohibited and/or Unlawful.

- A. It is improper and prohibited for any owner or operator of any airport facilities to commit any act or to omit to act in such a way as to unduly interfere with other owners or users lawful activities at/on the airport.
- B. It is improper and prohibited for any person to dispose of garbage, papers, refuse or other material on the airport except in receptacles provided for that purpose.
- C. It is improper, prohibited and unlawful for any person to vandalize any public or private property on the airport.
- D. It is improper and prohibited for any person to alter, make additions to, or erect any building or sign or make any excavations on the airport without the permission of the director, subject to lease provisions.
- E. It is improper and prohibited for any person to willfully abandon any personal property on the airport. A person has abandoned personal property when it remains unattended and without written permission of the airport manager for a period of thirty days or more.

Unauthorized Hunting Prohibited

No person shall hunt, pursue, trap, catch injure or kill any bird or animal on the airport without authorization of the airport manager.

Unauthorized Solicitation and Advertising Improper and Prohibited

- A. It is improper and prohibited for any person to solicit fares, alms or funds for any purpose on the airport without permission of the airport manager.
- B. It is improper and prohibited for any person to post, distribute or display signs, advertisements, circulars or other printed or written matter in a public area of the airport except in locations designated by the airport manager.

Animals to be Restrained

It is improper for any person to enter the airport with any animal except a domesticated dog or cat and then only if such animal is kept restrained by a leash or is confined so as to be completely under control.

Unauthorized Flying of Model Aircraft Prohibited

The flying of model aircraft within the airport is prohibited unless authorized by the airport manager.

Section 10. Miscellaneous

Council Authority to Establish Additional Standards

The City Council reserves the right to establish additional standards for any and all categories of aeronautical related businesses or specialized services operating on the airport property and may alter, amend, repeal and/or modify any of the procedures, in whole or part, set forth in these Standard Operating Procedures.

Federal Authority

All lease agreements and permits 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 and maintenance of the airport, 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 and any existing or future bond indebtedness, mortgage, indenture or other security instrument given by the City to some third party

Violation--Penalty

It is wrongful for any person to violate any of the provisions of these Standard Operating Procedures or any lawful rule or regulations promulgated by the City under the authority of these Standard Operating Procedures. Penalties and/or consequences for violations shall be determined as set out by these Procedures, applicable law or as may otherwise be determined by the City, including, but not limited to, a temporary or permanent ban as to the use of any airport facilities.

Conflicting Regulations

Where there exist a conflict between any provision, regulation or limitation prescribed in these Standard Operating Procedures regulation and any other regulations, rules, codes or provisions applicable to the same area, the more stringent limitations or requirements shall govern and prevail.