

CHAPTER 22

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22.01 PURPOSE AND INTENT

- (1) The purpose of these minimum standard is to promote a sound economic base upon which the Reedsburg Municipal Airport (“Airport”) will thrive and experience a stable growth pattern; to ensure that the public receives reliable, safe, adequate and nondiscriminatory air transportation service; and to ensure that tenants and operators receive fair, equitable and nondiscriminatory treatment in the conduct of authorized activities at the Airport.
- (2) The intent of these minimum standards is to categorically identify those standards and procedures by which all persons, firms or other legal entities conducting commercial or noncommercial aeronautical or non-aeronautical activities at the airport shall conduct their respective operations thereby protecting the public health, safety and general welfare.
- (3) The requirements as set forth in these standards and procedures are intended to ultimately protect the public health, safety and other interests and to foster and promote the continued development of the airport in a safe and efficient manner.
- (4) This chapter provides minimum standards used by the airport management and Airport Commission to guide all commercial and business-related activities at the Airport. Each activity shall be covered by a lease/operating agreement which specifically includes, but is not limited to, the following covenants:
 - (A) Hours of operation.
 - (B) Insurance requirements.
 - (C) Compliance with all applicable local, state and federal regulations.
 - (D) Financial integrity.
 - (E) Minimum space and building requirements.
 - (F) Make an annual report to the State Department, Health and Social Services and to the Common Council and such other report as they may request.

22.02 DEFINITIONS

For purposes of this chapter, the following definitions shall apply:

- (1) Activity License Any license, permit or other authorization which is or may be required by the United States government, the state, the City of Reedsburg or any duly authorized agency or subdivision thereof for the conduct of the applicant's business.
- (2) Aerial Applicators Is a person or entity conducting aerial agriculture spraying or seeding activities or other applications such as non-agricultural pest control at the Airport for compensation or hire.
- (3) Aeronautical Activity Any activity, which involves, makes possible or is required for the operation of aircraft or which contributes to or is required for the safety of such operations.
- (4) Air Charter A person or entity that provides on-demand non-scheduled passenger, air ambulance or cargo transportation service in aircraft having less than 30 passenger seats. The entity must operate under the appropriate Federal Aviation Regulations (FARs).
- (5) Aircraft Any contrivance invented, used or designed for navigation of or flight in air.
- (6) Aircraft Operation An aircraft's takeoff from or landing at the Airport. A touch-and-go is two operations.
- (7) Aircraft Owner A person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.
- (8) Aircraft Parking and Storage The commercial operation of renting or leasing aircraft parking and storage to the public for compensation.

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- (9) Aircraft Parking and Storage Areas The hangar and apron location on the Airport designated by the Airport Owner for the parking and storage of aircraft.
- (10) Aircraft Rental The commercial operation of renting or leasing aircraft to the public for compensation.
- (11) Aircraft Sales The sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.
- (12) Airframe and Power Plant Maintenance The commercial operation of providing airframe and power plant services, which includes any of the following: the repair, maintenance, inspection, constructing, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul or aircraft painting and interior refurbishing. This category of service also includes the sale of aircraft parts and accessories.
- (13) Airport Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon at the Reedsburg Airport, which are owned, leased or otherwise controlled by the City of Reedsburg or its tenants and operated as the City of Reedsburg Airport.
- (14) Airport Layout Plan (ALP) The Federal Aeronautics Agency (FAA) approved plans and drawings of an airport depicting the layout of the existing and proposed airport facilities.
- (15) Airport Manager The designated individual/firm, appointed/contracted by the Airport Owner, duly authorized to administer and manage all operations of the airport and airport facilities. Airport Manager includes its designated representative.
- (16) Assurance An assurance is a provision contained in a federal grant agreement to which the recipient of the federal airport development assistance has voluntarily agreed to comply in consideration of the assistance provided.
- (17) Aviation Fuel Flammable liquids composed of a mixture of selected hydrocarbons manufactured and blended for the purpose of operating an internal combustion, jet, or turbine engine, which meet federal fuel standards.
- (18) Avionics Sales and Maintenance The commercial operation of providing for the repair and maintenance of aircraft radios, instruments and accessories. Such operation may include the sale of new or used aircraft radios, instruments and accessories.
- (19) Aviation-Related Activity Any activity conducted on the airport that provides service or support to aircraft passengers or air cargo. The following are examples of aviation-related activities: ground transportation, restaurants, auto parking and concessions.
- (20) Based Aircraft An aircraft which the owner physically locates at the airport for an undetermined period, and whenever absent from the Airport, its owner intends to return the aircraft to the airport for long term storage.
- (21) Commercial Activity The conduct of any aspect of a business, concession, operation, or agency in order to provide goods or services to any person for compensation or hire. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.
- (22) Commercial Operator (Operator) Is a person or entity conducting Commercial Activities at the Airport for compensation or hire. The Operator may be classified as either a Fixed Base Operator (FBO) or a Specialized Aviation Service Operator (SASO).
- (23) Commercial Skydiving Is a person or entity conducting skydiving or skydiving activities at the Airport for compensation or hire.
- (24) Commission Is the Reedsburg Municipal Airport Commission

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- (25) Emergency Equipment Crash, fire and rescue or police motor vehicles and such other equipment as the Owner or Airport Manager may designate as necessary to safeguard airport runways, taxiways, tamps, buildings and other property.
- (26) Exclusive Right A power, privilege, or other right excluding or barring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express or implied agreement or, by the imposition of unreasonable standards or requirements.
- (27) Federal Aviation Administration (FAA) The federal governmental agency responsible for governing aviation activities.
- (27) Federal Aviation Regulations (FAR) All regulations included in the unabridged edition of pertinent federal governmental regulations.
- (29) Federal Obligation Contractual commitment of the Airport Owner that arises from the conveyance of the land or from a grant agreement.
- (30) Fixed Base Operator (FBO) A full service commercial operator who engages in the primary activity of aircraft refueling and a minimum of three (3) of the following secondary activities:
 - (A) Flight Training;
 - (B) Aircraft Rental;
 - (C) Air Charter;
 - (D) Avionics Sales & Maintenance;
 - (E) Aircraft Sales;
 - (F) Aircraft Parking & Storage;
 - (G) Air Frame and Power Plant Maintenance.
- (31) Flight Training The commercial operation of instructing pilots in dual and solo flight, in any aircraft, and related ground school instruction as necessary to complete a FAA pilot's knowledge test and practical flight test for various categories of pilot certificates and ratings.
- (32) Flying Club A non-commercial and nonprofit entity organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment. Aircraft must be vested in the name of the flying club owners on a pro-rata share, and the club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, and replace the aircraft.
- (33) Fuel Storage Area Any portion of the airport designated temporarily or permanently by the Airport Owner as an area in which aircraft fuel may be stored or located.
- (34) Fuel and Fuel Handling The transportation, sale, delivery, dispensing, or draining of fuel or fuel waste products to or from an aircraft.
- (35) General Aviation All civil aviation operations other than scheduled air services and nonscheduled air transport operations for remuneration or hire.
- (36) Grant Assurance Any agreement made between the airport owner and the FAA for the grant of federal funding or a conveyance of land either of which the City of Reedsburg agrees to use for airport purposes.
- (37) Hazardous Material Any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, the State of Wisconsin, political subdivision thereof, and the presence of which requires investigation, removal and/or remediation.
- (38) Independent Contractor An operator offering a single Commercial Activity but without established place of business at the Airport. The City of Reedsburg may or may not allow this type of servicing to exist at the Airport.

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- (39) Lease The written contract between the Airport and a person or entity specifying the terms and conditions under which a Person may conduct Commercial, Activity as defined within there minimum standards.
- (40) Leasehold Improvement Includes, but is not necessarily limited to, any modification, alteration or repair, either of a structural or architectural nature, performed by the tenant at his/her sole cost and expense. Any such improvements shall be accomplished only after the owner has approved the tenant's written application requesting the same.
- (41) Light-Sport Aircraft Any vehicle that is used or intended to be used for manned operation in the air for recreation or sport purposes only and which meets the following criteria:
- (A) Maximum gross takeoff weight of 1,320 lbs (599 kg), 1,430lbs for seaplanes.
 - (B) Lighter-than-air light-sport aircraft maximum gross weight of 660 lbs. (300 kg).
 - (C) Maximum stall speed of 51 mph (45 knots).
 - (D) Maximum speed in level flight with maximum continuous power (Vh) of 138 mph (120knots).
 - (E) Two-place maximum (pilot and one passenger).
 - (F) Single, non-turbine engine only, included rotary or diesel engines.
 - (G) Fixed ground adjustable propeller.
 - (H) Un-pressurized cabin.
 - (I) Fixed landing gear.
 - (J) Repositionable landing gear for seaplanes allowing the wheels to be rotated for amphibious operation.
 - (K) Can be manufactured and sold ready-to-fly under a new Special Light-Sport aircraft certification without FAR Part 23 compliance. Aircraft must meet consensus standards. Aircraft under this certification may be used for sport and recreation, flight training and aircraft rental.
 - (L) Can be licensed Experimental Light-Sport Aircraft (E-LSA) if kit or plans-built. Aircraft under this certification may be used only for sport and recreation and flight instruction for the owner of the aircraft.
 - (M) Can be licensed Experimental Light-Sport Aircraft (E-LSA) if kit or plans-built and operated as an ultralight trainers. Aircraft must be transitioned to E-LSA category no later than January 31, 2008.
 - (N) Will be FAA registration-N-number.
 - (O) Aircraft category and class includes: Airplane (Land/Sea), Gyroplane, Airship, Balloon, Weight-Shift-Control (Trike Land/Sea), and Powered Parachute.
 - (P) U.S. or foreign manufacture of light-sport aircraft is authorized.
 - (Q) Aircraft with a standard airworthiness certificate that meet above specifications may be flown by sport pilots. However that airworthiness certification category will not be changed to a light-sport aircraft. Holders of a sport pilot certificate may fly an aircraft with standard airworthiness certificate if it meets the definition of a light-sport aircraft.
 - (R) May be operated at night if the aircraft is equipped per FAR 91.209 and pilot holds at least a Private Pilot certificate and a minimum of a third class medical.
- (42) NFPA Is the National Fire Protection Association. All references to an NFPA standard mean the most recent edition of that standard, as may be amended from time to time.
- (43) Noncommercial Aviation Fuel Usage The fueling of an aircraft by an aircraft owner, their employees or pilot using pumps and equipment installed for that purpose. The fueling facility may or may not be attended by the FBO that leases and operates the equipment. Only FBO's can sell and provide for aircraft delivery of fuel into other owner/operated aircraft.
- (44) Owner The City of Reedsburg, Wisconsin, or its successor in title in the event of a transfer of the airport facility, granting the Airport Commission the authority to operate the Airport and to

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grant and/or lease operating rights for commercial Activity and other activity. Owner includes the City of Reedsburg acting through its Airport Commission.

- (45) Pedestrian Any person on foot.
- (46) Permitee Is a person who holds a self-fueling permit issued by the Commission.
- (47) Person Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.
- (48) Preventative Aircraft Maintenance Maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in FAR Part 43, Appendix A, Paragraph C.
- (49) Roadway Any street or road whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.
- (50) Self-Service Fueling or maintenance of an aircraft on airport property, performed by the aircraft owner or their employees in accordance with FAR and the Airport's reasonable standards or requirements.
- (51) Service, Maintenance and Construction Equipment Approved equipment normally operated and/or authorized by the Owner or Airport Manager and /or the FAA on landing areas, runways, taxiways and peripheral roads for the servicing, maintenance and construction of airport facilities and services or for the servicing of aircraft. This definition shall include equipment owned and operated by a contractor performing work on the airport under a contractual agreement with the Owner.
- (52) Specialized Aviation Service Operation (SASO) An aeronautical business that offers a single or limited service according to established minimum standards. Examples of a SASO include, but are not limited to:
 - (A) Flight Training;
 - (B) Airframe and Power Plant Maintenance;
 - (C) Air Charter;
 - (D) Aircraft Sales;
 - (E) Avionics Sales & Maintenance;
 - (F) Aircraft Parking & Storage;
 - (G) Specialized Commercial Flying Services;
 - (H) Aerial Applicators;
 - (I) Commercial Skydiving;
 - (J) Flying Club;
 - (K) Aircraft Rental.
- (53) Specialized Commercial Flying Services (SCFS) An aeronautical business engaged in air transportation for hire for the purpose of providing the use of aircraft for the following activities:
 - (A) Nonstop sightseeing flights that begin and end at the same airport.
 - (B) Crop dusting, seeding and spraying and bird chasing.
 - (C) Banner towing and aerial advertising.
 - (D) Aerial photography or survey.
 - (E) Fire fighting.
 - (F) Power line or pipeline patrol.
 - (G) Airborne mineral exploration.
 - (H) Any other operations specifically excluded from Part 135 of FAR
- (54) State The State of Wisconsin and, as applicable, the State of Wisconsin Department of Transportation, Bureau of Aeronautics.

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- (55) Sublease The written agreement stating terms and conditions under which a third party person leases space from a tenant for the purpose of providing aeronautical services at the airport.
- (56) Tenant Any person that will have applied for and received written permission to establish a leasehold or other right at the Airport, whether for commercial activity or not.
- (57) Through-the-fence Agreement An agreement between the Owner and a commercial adjacent property owner permitting access to the public landing area.
- (58) Through-the-fence Commercial Operation A commercial activity, directly related to the use of the Airport, developed or located off Airport and requiring a Through-the-fence Agreement.
- (59) Taxilane That portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking or storage areas.
- (60) Taxiway A defined path established for the taxiing of aircraft from one part of the Airport to another.
- (61) UNICOM A non-government communication facility, which may provide airport information at certain airports.
- (62) Vehicle Every device in, upon or by which any person or property is or may be transported or drawn, excepting aircraft.
- (63) Vehicle Parking Area Any portion of the airport designated and made available temporarily or permanently by the airport owner for the parking of vehicles.

22.03 GENERAL PROVISIONS

- (1) Upon the consideration of any applicant to conduct Aeronautical Activity at the Airport, the Airport Commission shall determine whether or not the application meets the standards and qualifications as herein set out and whether or not such application should be granted, in whole or in part, and if so upon what terms and conditions.
- (2) Any Person conducting Aeronautical Activities at the Airport shall, as a condition of conducting such activities, comply with all the requirements set forth in these minimum standards. The minimum standards are deemed to be a part of each commercial operator's lease or agreement with the Owner. The mere omission of any particular standard in a lease or agreement shall not constitute a waiver or modification of the standard unless the document expressly states that the Owner waives application of that standard.
- (3) It is the Owner's intent to have prepared and make available an Airport layout plan, which will be a scaled, dimensional layout of the entire airport property indicating, in general, current and proposed usage for each identifiable segment of the Airport.
- (4) These minimum standards will be applied to existing operators upon renewal of the existing lease or agreement. Existing operators who are unable to meet the minimum standards at the time of lease or agreement renewal shall submit a plan outlining specific timelines for complying with the minimum standards. The Owner must approve the plan prior to renewal of the lease or agreement.
- (5) When an Operator conducts multiple Commercial Activities pursuant to one lease or agreement with the Owner, the Commercial Operator shall comply with the minimum standards established for each separate activity. If the minimum standards for one activity are inconsistent with the minimum standards for another activity, then the minimum standard that is more restrictive or imposes a higher standard shall apply.
- (6) Each applicant shall be responsible to provide satisfactory evidence to the Airport Commission of its respective technical ability and financial responsibility, including the capability to meet the insurance requirements as stated herein. Activities with no specific minimum standards

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established in the document will be addressed by the Owner on a case-by-case basis in the Operator's lease or agreement.

- (7) The Owner may review the minimum standards from time to time and may make such revisions or amendments as shall be deemed necessary to properly protect the health, safety and general welfare of the public. Upon enactment of any such amendments all Operators, Tenants and Sub-tenants shall be required to conform to such amended standards.
- (8) In addition to the requirements of the FAA or the State, the Owner may establish and implement such rules and regulations as may be required for the safe and orderly operation of the Airport, the safe and orderly operation of aircraft in the airport traffic area and airspace surrounding the Airport and the safe and orderly operation of aircraft on the ground.
- (9) No Person shall act as an Operator, Tenant or Sub-tenant, or conduct any Commercial Activity of any kind or nature whatsoever on the Airport until such time as the Person has applied for and received permission to and has entered into and executed a lease/operating agreement with the Owner. Each successful applicant shall, within 30 business days after having received written approval of its application, be ready, willing and able to enter into a written lease/operating agreement with the Owner in a form and manner prescribed by the Owner. In the case of an air charter operation which is not based at the Airport but which operates to and from the Airport, the payment of all applicable parking or other levied fees shall be deemed sufficient to meet the requirements of this subsection.
- (10) The Owner may waive or modify any portion of these minimum standards for the benefit of a governmental agency performing non-profit public services, fire protection or emergency response operations.
- (11) The Owner may waive or modify any portion of these minimum standards for any person when it is determined that such waiver is in the best interest of the public and will not result in unjust discrimination against other commercial operations at the airport.

22.04 VEHICULAR AND PEDESTRIAN TRAFFIC WITHIN AIRPORT BOUNDARIES

- (1) Operation of vehicles on Airport property, runway(s), taxiway(s) and ramps No vehicle shall enter or be driven upon or operated upon any Airport runway, taxiway, ramp, tie-down area or any area posted by signs prohibiting the entrance thereon without prior authorization of the Owner or Airport Manager or for the limited purpose of accessing business location at the airport. The provisions of this subsection shall not apply to emergency equipment or service, maintenance and construction equipment when engaged in performing normal duties. Aircraft owners may be granted authorization by the Owner or Airport Manager to operate a vehicle to reach their own aircraft. They shall not at any time park a vehicle on any area used for the movement of aircraft.
- (2) Speed of vehicles Unless specifically authorized by the Owner or Airport Manager, vehicles shall not traverse over any runway, taxiway, ramp or tie-down area at a speed to exceed 10 miles per hour.
- (3) Pedestrian traffic on airport No pedestrian shall be allowed in maintenance or shop areas, or upon the apron or aircraft tie-down areas unless for the purpose of embarking in or disembarking from an aircraft or unless authorized by the Owner or Airport Manager. Pedestrian traffic is prohibited on taxiways, runways and outlying areas of the airport, except for employees of the city, county, state and federal government providing services related to the Airport or contractors engaged in airport construction or maintenance work provided, however, that the Owner may permit pedestrian traffic in non-runway and non-taxiway areas for special, pre-approved events.

22.04 Vehicular and Pedestrian Traffic within Airport Boundaries

- (4) Vehicle parking All vehicles parked on the Airport shall be parked in designated areas and in accordance with posted signs or other markings. The Owner or Airport Manager may move or order the removal of any vehicle improperly parked, at the vehicle owner's expense.

22.05 MINIMUM STANDARDS FOR ALL OPERATORS INCLUDING SASOS

The following standards shall apply to all Commercial Operators and SASOs but not to Flying Clubs.

- (1) The lease/operating agreement shall be for a term to be mutually agreed upon between the Owner commensurate with the Operator's financial investment in its facilities.
- (2) The Operator shall have had experience in the service it wishes to provide for a period of five years. It will be satisfactory if the operator has, in a reasonable supervisory position, a Person with such minimum experience requirements. Should an Operator not have such experience but be able to demonstrate to the owner's satisfaction that it has had equivalent related experience, such will be deemed acceptable. A statement of qualifications shall accompany the Operator's letter of intent to the Owner.
- (3) Any Operator seeking to conduct services at the Airport must provide the owner with a letter setting forth the Operator's financial integrity, to the Owner's satisfaction, from a bank or trust company doing business in the area or from other such source that may be readily verified through normal banking channels. The Operator must also demonstrate that it has the financial ability or backing, where applicable, for the construction of facilities that may be required for the proposed Commercial Activity and SASOs. In addition, the financial institution letter shall include a current financial net worth showing that the applicant holds unencumbered current assets in a total amount at least equaling three months' estimated maintenance and operating expenses.
- (4) All Commercial Operators shall demonstrate to the Owner's satisfaction their ability to acquire insurance coverage as stipulated for each particular type of Commercial Activity. In addition, the Operator shall include the Owner as an additional insured and stipulate that the Operator will hold harmless the owner in all actions against it. The following shall be established as minimum coverage:
 - (A) Aircraft liability, for bodily injury and property damage:
 1. Combined single limit: \$1,000,000.
 2. Bodily injury (each passenger): \$100,000.
 - (B) Comprehensive public liability and comprehensive property damage, including vehicular, for bodily injury and property damage:
 1. Combined single limit: \$1,000,000.
 2. Aggregate limit: \$1,000,000.
 - (C) Hangar keeper's liability: \$200,000 each accident, if applicable.
 - (D) Product liability: \$1,000,000 each accident.
 - (E) Aircraft renter's liability: \$300,000 each accident.
 - (F) Chemical storage – spill liability: \$1,000,000.00 each accident.
- (5) Any Operator located on the airport and performing any one or more of the SASO categories and functions shall lease from the Owner an area to provide:
 - (A) Adequate floor space for SASO activities and shall include office space, customer lounge, rest rooms and telephone facilities (and/or internet communication facilities) depending on the SASO activities provided in the space.
 - (B) The SASO shall have adequate aircraft and vehicle parking available for the SASO activities including parking at the Airport public lot area as provided by the Owner.
 - (C) In no event will the square feet requirement be less than that required by applicable building codes which, if more restrictive, will govern.

22.05 Minimum Standards for All Operators Including SASOs

- (6) Each lease/agreement with an Operator and SASO entered into by the Owner shall include each of the following provisions:
 - (A) Fair employment and nondiscrimination provisions.
 - (B) Affirmative action assurances.
 - (C) Civil rights assurances.
 - (D) Nonexclusive right provision.
 - (E) Any other mandated provisions required by the state or federal governments.
 - (F) Days and hours that the SASO will be generally open to provide the SASO activity.
- (7) All Operators and SASOs shall have the right, in common with others so authorized, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft.
- (8) Any construction required of any Operator or SASO shall be in accordance with design and construction requirements of the Owner and state and federal regulations and applicable codes. All plans and specifications shall be submitted to the Owner for approval prior to the start of construction.
- (9) The Operator and SASO shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator to the building to the taxiway or the access to the taxiway that has been or will be provided for the Operator or SASO. Parking at hanger shall not obstruct the taxiway.
- (10) All Operators and SASOs shall comply with all pertinent FAR requirements.
- (11) The Airport Manager shall be responsible for the security policies as may be adopted by the Airport Commission not otherwise described in local, state and federal statutes or codes.
 - (A) Any Person conducting business on Airport property may be required to wear a security badge provided by Airport Commission or Airport Manager including but not limited to the following:
 1. Employees of the Owner, FBO, SASO, or other businesses located on airport property;
 2. Sub-contractors or consultants working on behalf of the Owner, FBO, SASO or other businesses located on airport property;
 3. Any person or firm conducting maintenance on any aircraft based or located on airport property.
 - (B) Operators of aircraft parked on the apron must remove keys. It is recommended all aircraft be locked.
 - (C) All visitors, FBO and SASO employees, should immediately report any suspicious activity to law enforcement and/or the Airport Manager.
 - (D) Visitors are not allowed inside fenced area of airport without permission of Airport Manager unless pre-approved by the Owner or Airport Commission except for the limited purpose of accessing business locations at the Airport.

22.06 FLIGHT TRAINING

- (1) A flight training services Operator provides instruction for pilots in dual and solo flight, in any aircraft, and related ground school instruction as necessary to complete a FAA pilot's knowledge test and practical flight test for various categories of pilot certificates and ratings.
- (2) Minimum standards:
 - (A) The Operator shall lease from the Owner an area in accordance with sec. 22.05(5) above.
 - (B) The Operator shall have available for use in flight training, either owned or under written lease to the Operator, at least one properly certified aircraft which must be equipped for

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and capable of use in instrument flight instruction. The aircraft shall be equipped consistent with the types of flight instruction offered.

- (C) The following types of insurance are required in amounts as set forth in sec. 22.05(4) above:
 - 1. Aircraft liability.
 - 2. Comprehensive public liability and comprehensive property damage, including vehicular.
 - 3. Aircraft renter's liability.
- (D) The operator shall provide adequate mockups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
- (E) The operator shall have on a full-time basis at least one flight instructor who is properly and currently certified by the Federal Aviation Administration to provide the types of training offered.
- (F) The operator shall make provision for someone to be in attendance in the office at all times during the required operating hours and shall provide telephone service during that period.
- (G) The operator shall provide the owner with copies of the owner's aircraft registrations.
- (H) It is the intention of the owner to enter into and execute a lease/operating agreement with the approved applicant as soon as possible after such application is approved.
- (I) All aircraft based at the airport shall be registered with the FAA.
- (J) The operator shall comply with all pertinent FAR requirements.

22.07 AIR CHARTER

- (1) An air charter Operator provides on-demand non-scheduled passenger, air ambulance or cargo transportation service in aircraft having less than 30 passenger seats. The entity must operate under the appropriate Federal Aviation Regulations (FARs).
 - (A) Minimum standards:
 - 1. The Operator shall lease from the Owner an area in accordance with sec 22.05(5) above.
 - 2. The Operator shall provide, either owned or under lease to the Operator, not less than one aircraft that must meet the requirements of the air taxi commercial operator FAA certificate held by the Operator.
 - 3. The following types of insurance are required in the limits as set forth in sec. 22.05(4) above:
 - a. Aircraft liability.
 - b. Comprehensive public liability and comprehensive damage, including vehicular.
- (2) The Operator shall provide on-call service during hours other than the hours of operation established in the lease. The Operator shall make provisions for someone to be in attendance at all times during the required operating hours. The lease agreement can provide for more or less hours of operation depending on the SASO activities involved.
- (3) The Operator shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner.
- (4) The Operator shall comply with all pertinent FAR requirements.

22.08 AIRCRAFT SALES

- (1) Statement of concept. This minimum standard covers the sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.
- (2) The operator shall lease from the Owner an area in accordance with Sec. 22.05(5) above.
- (3) Minimum standards:
 - (A) The Operator shall provide necessary and satisfactory arrangements for repair and servicing of all aircraft offered for sale.
 - (B) The Operator shall provide for new plane sales current, up-to-date specifications and price lists for types and models of aircraft sold. For used planes the Operator shall provide an owner history, airframe and engine, log books and airworthiness documentation if available.
 - (C) The Operator shall make provision for someone to be in attendance at all times during the operating hours established in the lease.
 - (D) The Operator shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner.
 - (E) The following types of insurance are required in amounts as set forth in sec. 22.05(4):
 1. Aircraft liability.
 2. Comprehensive public liability and comprehensive property damage, including vehicular.
 3. Hangar keeper's liability (needed only if non-owned aircraft are left in the Operator's care).
 4. Product liability.
 - (F) The Operator shall comply with all pertinent FAR requirements.

22.09 AIRCRAFT RENTAL

- (1) Statement of concept. An aircraft rental Operator rents or leases aircraft to the public for compensation.
- (2) Minimum standards:
 - (A) The Operator shall lease from the owner an area in accordance sec. 22.05(5) above.
 - (B) The Operator shall have available for rental, either owned or under written lease to the Operator, at least one certified and currently airworthy aircraft.
 - (C) The following types of insurance are required in amounts as set forth in sec. 22.05(4) above:
 1. Aircraft liability.
 2. Comprehensive public liability and comprehensive property damage, including vehicular.
 3. Aircraft renter's liability.
 - (D) The Operator shall make provision for someone to be in at all times during operating hours established in the lease.
 - (E) The Operator shall have in his/her employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner.
 - (F) The Operator shall provide the owner with copies of the owner's aircraft registrations and aircraft lease documents.
 - (G) The Operator shall comply with all pertinent FAR requirements.

22.10 AIRFRAME AND POWER PLANT MAINTENANCE

- (1) The Operation of providing airframe and power plant services, includes any of the following: the repair, maintenance, inspection, construction, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul and aircraft painting and interior refurbishing. This category of service also includes the sale of aircraft parts and accessories and the removal of engines for major overhauls, aircraft painting and interior refurbishing.
- (2) Minimum standards:
 - (A) The Operator shall lease from the owner an area in accordance with Sec. 22.05(5) above.
 - (B) The Operator shall provide adequate equipment to perform the repair and maintenance as required by the Federal Aviation Administration.
 - (C) The following types of insurance are required in amounts as set forth in Sec. 22.05(4) above:
 1. Comprehensive public liability and comprehensive property damage, including vehicular.
 2. Hangar keeper's liability.
 3. Product liability.
 - (D) The Operator shall make provision for someone to be in attendance in the office at all times during the operating hours established in the lease.
 - (E) The Operator shall have in his/her employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category of service in an efficient manner.
 - (F) The operator shall comply with all pertinent FAR requirements.

22.11 AVIONICS SALES AND MAINTENANCE

- (1) Statement of concept. This minimum standard covers the operation of providing for the repair and maintenance of aircraft radios, instruments and accessories. Such operation may include the sale of new or used aircraft radios, instruments and accessories.
- (2) Minimum standards:
 - (A) The Operator shall lease from the Owner an area in accordance with the classification established by the number of services as set forth in Sec. 22.05(5) above.
 - (B) The following types of insurance are required in amounts as set forth in Sec. 22.05(4) above:
 1. Comprehensive public liability and comprehensive property damage, including vehicular.
 2. Hangar keeper's liability.
 3. Product liability.
 - (C) The Operator shall make provision for someone to be in attendance at all times during the operating hours established in the lease. The Operator shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner.
 - (D) The Operator shall comply with all pertinent FAR requirements.

22.12 AIRCRAFT PARKING AND STORAGE

- (1) Statement of concept. This minimum standard covers the commercial operation of renting or leasing aircraft parking and storage in the hangar and apron location on the Airport designated

22.12 Aircraft Parking and Storage

by the Airport Owner to the public for compensation.

- (2) Minimum standards:
 - (A) The Operator shall lease from the owner an area in accordance with the classification established by the number of services as set forth in Sec. 22.05(5) above. Said area shall include ground space and floor space to facilitate customer use.
 - (B) The Owner shall review with the Operator any private building use before approval of said parking and storage is permitted. If improvements are requested by the Owner, the Operator shall make the improvement before parking and storage shall commence.
 - (C) The Operator shall provide a paved aircraft apron within the leased area to accommodate all customer aircraft awaiting interior storage or delivery.
 - 1. The following types of insurance are required in amounts as set forth in Sec. 22.05(4) above:
 - 2. Comprehensive liability and comprehensive property damage, including vehicular.
 - (D) The Operator shall comply with all pertinent FAR requirements.

22.13 FIXED BASE OPERATOR (FBO)

- (1) A FBO is a full service commercial Operator who engages in the primary activity of aircraft refueling and a minimum of three(3)of the following secondary activities:
 - (A) Flight Training;
 - (B) Aircraft Rental;
 - (C) Air Charter;
 - (D) Avionics Sales & Maintenance;
 - (E) Aircraft Sales;
 - (F) Aircraft Parking & Storage;
 - (G) Air Frame and Power Plant Maintenance.
- (2) Minimum standards:
 - (A) The Operator shall lease from the Owner an area in accordance with the classification established by the number of services as set forth in Sec. 22.01(5) above
 - (B) The FBO shall be responsible for fuel and fuel handling at the Airport by way of fuel and fuel handling facilities provided by the Owner. The FBO shall provide a minimum of two (2) types of aviation fuel. The Owner's fuel and fuel handling equipment shall meet all applicable safety requirements relative to fuel dispensing as required by federal, state and local regulations and shall provide reliable metering and monitoring devices which conform to federal, state and local regulations.
 - (C) Dispensing trucks, bulk fuel trucks, emergency vehicles and other vehicles, approved by the Owner, shall be the only vehicles permitted within the approved fuel activity area as designated by the Owner.
 - (D) The Operator shall provide such minor repair service that does not require a certified mechanic rating and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.
 - (E) The Operator shall procure and maintain tools and equipment related to the approved activity. All equipment shall be maintained and operated in accordance with local and state industrial codes.
 - (F) The following types of insurance are required in amounts as set forth in Sec. 22.05(4):
 - 1. Comprehensive public liability and comprehensive property damage, including vehicular.

22.13 Fixed Base Operator (FBO)

2. Hangar keeper's liability
 3. Product liability.
 4. Storage Tank Liability, Corrective Action and Cleanup Policy.
- (G) The Operator shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner.
- (H) The Operator shall have the business open and services available 8:00 a.m. to 6:00 p.m. seven (7) days per week from June 1 to August 31. From September 1 through May 31 the time shall be 8:00 a.m. to 5:00 p.m. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.
- (I) The Operator shall maintain an accurate record of all deliveries of aviation fuel and oil, and such records shall be subject to examination and audit by the Owner.
- (J) The Owner shall provide separate pumps, meters and filter-equipped dispensers, fixed or mobile, for dispensing required grades of fuel. The Owner shall provide reliable pumps and meters to conform to legal standards for trade use as established by federal, state and local regulations.
- (K) The FBO aviation fuel provider shall submit to the Owner a written proposal which sets forth the extent of operations, to include fuel grades; insurance information; estimated annual volume; experience and training of fuel handling personnel; type, size and condition of all fueling facilities, monitoring and equipment to be used; assurance provisions for the security and safety of the facility; and any cost that may be expected by the Owner.
- (L) The FBO shall pay to the Owner a fuel flowage fee and other fees as outlined in Sec. 22.19(1) below.
- (M) The FBO shall comply with all pertinent FAR requirements.

22.14 SPECIALIZED COMMERCIAL FLYING SERVICES

- (1) Specialized Commercial Flying Services is an aeronautical business engaged in air transportation for hire for the purpose of providing the use of aircraft for the following activities:
- (A) Nonstop sightseeing flights that begin and end at the same airport.
 - (B) Crop dusting, seeding and spraying and bird chasing.
 - (C) Banner towing and aerial advertising.
 - (D) Aerial photography or survey.
 - (E) Fire fighting.
 - (F) Power line or pipeline patrol.
 - (G) Airborne mineral exploration.
 - (H) Any other operations specifically excluded from Part 135 of FAR.
- (2) Minimum standards:
- (A) The Operator shall lease land from the Owner. The minimum areas in each instance shall be subject to the approval of the owner. All operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.
 - (B) The Owner shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All Operators will, however, be required to maintain the minimum aircraft liability coverage as set forth in Sec. 22.05(4) above.
 - (C) The Operator shall have in his/her employ and on duty during appropriate business hours

22.14 Specialized Commercial Flying Services

trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner.

- (D) The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the operator's services.
- (E) The Operator shall comply with all pertinent FAR requirements.

22.15 AERIAL APPLICATORS

- (1) Aerial Applicators includes aerial agricultural spraying or seeding or other activities or applications such as non-agricultural pest control at the Airport for compensation or hire.
- (2) Minimum standards:
 - (A) The Operator shall lease land from the Owner. The minimum areas in each instance shall be subject to the approval of the Owner. The Operator shall make suitable arrangements and have such space available in the leased area for safe loading and unloading and storage and containment of chemical materials. All Operators shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.
 - (B) The Owner shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All Operators will, however, be required to maintain the following types of insurance set forth in Sec. 22.05(4):
 - 1. Aircraft Liability.
 - 2. Comprehensive liability and comprehensive property damage, including vehicular.
 - 3. Storage Tank Liability, Corrective Action and Cleanup Policy.
 - (C) The Operator shall have in its employ and on duty during appropriate business hours trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner.
 - (D) The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the operator's services.
 - (E) The Operator shall comply with all pertinent FAR requirements.
 - (F) The Operator shall comply with all applicable rules and regulations governing pesticides and other chemicals used by the operator and employ certain safeguards and safe operating practices to prevent spillage, including:
 - 1. Clean up and remove all containers at the end of each day's activities.
 - 2. Maintain all loading and mixing facilities.
 - 3. Use dry break devices or equivalent couplings to the aircraft loading receptacle to prevent leaks of all materials.
 - 4. Position aircraft and loading equipment in such a manner as to not interfere with normal aircraft operations at the Airport.
 - 5. Remove in the event of a small pesticide or pesticide solution spill, the contaminated surface material will from the premises and treat the area of the spill with SuperBugs or an equivalent. In the event of a reportable amount of spilled pesticide, the Operator will contain the material and contact those agencies that the State Department of Natural Resources (DNR) regulations require.
- (3) The Operator will keep appropriate spill kit on site in a known and easily accessible location.
- (4) The Operator, for all chemicals kept or stored on the airport shall do so in accordance with the Material Safety Data Sheet (MSDS) requirements for that chemical. MSDS sheets for chemicals stored on the Airport shall be made available to the Owner and/or Airport Manager upon request.

22.16 FLYING CLUBS

- (1) Flying clubs includes a non-commercial and nonprofit entity organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment. Such aircraft must be vested in the name of the flying club owners on a pro-rata share, and the club may not derive greater revenue from the use of the aircraft than the cost to operate, maintain, and replace the aircraft.
- (2) Minimum standards:
 - (A) A Flying Club will keep current a complete list of the club's membership and will make such list available to the Owner and/or Airport Manager.
 - (B) A Flying Club's aircraft will not be operated by other than bona fide members and will be operated by no one for hire, charter or air taxi.
 - (C) In the event that the Flying Club fails to comply with these conditions, the owner will notify such club, in writing, of such violations. Such club shall have 14 days to correct such violations. If such club fails to correct such violations, the Owner may demand such club's removal from the Airport.
 - (D) The following types of insurance are required in amounts as set forth in Sec. 22.05(4) above:
 1. Aircraft liability.
 2. Comprehensive public liability and comprehensive property damage, including vehicular.
 - (E) Aircraft maintenance performed on Flying Club aircraft shall be in accordance with FAR. The operator shall comply with all pertinent FAR requirements.

22.17 OTHER AVIATION ACTIVITY CLUBS OR ASSOCIATIONS

- (1) Other aviation activity clubs and associations includes, but is not limited to: sky diving, parachuting and balloon flights.
- (2) Minimum standards:
 - (A) Aircraft, if any, will not be used for rental and will be used by no one for hire, charter, air taxi or other commercial operations.
 - (B) The area in which such activities may be conducted at the Airport will be designated by the Owner. This area may be changed from time to time as the Owner sees fit. No aeronautical activities may be conducted without the advance permission of the Owner.
 - (C) A request to the Owner at least 72 hours prior to each aeronautical activity is required.
 - (D) The following types of insurance may be required in amounts as set forth in Sec. 22.05(4) above:
 1. Aircraft liability.
 2. Comprehensive public liability and comprehensive property damage, including vehicular.
 - (E) Persons conducting such activities shall comply with all pertinent FAR requirements.

22.18 OTHER NONAVIATION TENANTS AND/OR OPERATORS

- (1) The conduct of other nonaviation activity on the Airport not specifically enumerated in this chapter are covered by the following minimum standards.
- (2) Minimum standards.
 - (A) Any Person wishing to obtain the right to conduct and/or establish such other activity shall make application to the Owner. Such applicant shall submit the following:

22.18 Other Nonaviation Tenants and/or Operators

1. A complete description of the type of activity proposed.
 2. A listing and description of the types of vehicles, equipment and machinery required for conduct of the activity.
 3. Location of off-site storage facilities for machinery, equipment or supplies.
 4. A listing of and plan for the on-site handling of any attendees, other persons and vehicles associated with the activity.
 5. Dates and times for the proposed activity.
- (B) All lease/operating agreements for such other activities shall include, among other things, a covenant reciting:
1. The Owner's right to restrict, limit or otherwise control such activity in any manner it sees fit to ensure safe and unimpeded aeronautical activity at the airport;
 2. The Owner's right to designate areas for the activity and to designate the type of security required in each such area; and
 3. Such other restrictions or limitations which the Owner may deem appropriate.
- (C) All lease/operating agreements for such other activities shall also include, among other things, a covenant reciting the tenant's obligation and the lease/operator's obligation, in addition to all aforementioned obligations, to protect the general public, customers or clients and the Owner from any and all damages, claims or liability, whether by the tenant, lease/operator or others, relating to any monetary or other loss or damage in the conduct of any such activity resulting from or alleged to have resulted from the Owner's exercise of its rights and privileges, whether specifically enumerated above or not.
- (D) The following types of insurance may be required in amounts as set forth in Sec. 22.05(4) above: comprehensive public liability and comprehensive property damage, including vehicular.
- (E) Such tenants and/or other operators shall comply with all pertinent FAR requirements where applicable.

22.19 FUEL FLOWAGE AND OTHER FEES

- (1) Fuel flowage fee. The collection is hereby authorized of a fuel flowage fee by the Owner from any Operator dispensing aviation fuel at the Airport. The fuel flowage fee shall be made to the Owner at a rate and in a method described as follows:
 - (A) Fuel delivered shall be subject to a fee per gallon of fuel flowage of 3¢ per gallon. Said amount is subject to annual adjustment by Owner upon 30 days notice to Operator. Within five (5) days of fuel delivery Operator shall provide a copy to Owner of the fuel delivery slip which certifies the amount and type of fuel delivered. Within thirty (30) days after receiving a delivery of fuel to the Airport. The Operator will pay the fuel flowage fee to the Owner by January 15 and July 15 for preceding six (6) months. Fees unpaid beyond the thirty (30) day period shall incur interest at the rate of 1 ½% per month.
- (2) Other Airport fees. The collection of other Airport fees by the Owner are authorized to include, but not limited to the following:
 - (A) Vehicle parking.
 - (B) Aircraft handling.
 - (C) Hanger Space Rental.These fees shall be established periodically by the Airport Commission.

22.20 FUELING RESTRICTIONS AND PERMIT PROCESS *(Created 10-8-07)*

- (1) Permit required for underground and Owner
 - (A) Except for a FBO, no person shall transfer fuel into an aircraft unless the person has first obtained a self-fueling permit from the Owner and the person complies with this ordinance. A self-fueling permit authorizes the Permittee to transfer fuel only into an aircraft owned by or leased exclusively to the Permittee. Except for an FBO, no person shall transfer fuel into an aircraft not owned by or leased exclusively to that person, nor shall any person sell fuel to any other airport user. The Airport will not recognize an organization formed by several aircraft owners for the purpose of self-fueling as a single aircraft owner or exclusive lessee for the purpose of this ordinance.
 - (B) A self-fueling permit may be issued for self-fueling with fuel that is stored in an underground tank within area designated. No other method of self-fueling is allowed.
 - (C) An application for a self-fueling permit shall be made by supplying the Commission such information as is prescribed by the Commission. The information shall include, but not necessarily be limited to;
 1. a description of the aircraft to be fueled;
 2. the employees who will operate the aircraft fuel servicing equipment and who will conduct the fueling operations;
 3. an emergency response plan;
 4. a fuel-handling personnel training program;
 5. the fuel tank system construction plans;
 6. a fuel tank system inspection and maintenance program, and
 7. fuel transfer procedures.
 - (D) At a public meeting, the Commission shall review the application to determine whether the proposed self-fueling will comply with all applicable ordinances, permit and lease provisions and whether the required plans, programs and procedures are satisfactory. If the determination is favorable, the Commission shall issue the self-fueling permit to the Permittee.
 - (E) When issued, a self-fueling permit shall be signed by the Permittee and shall set forth, among other things, the Permittee's agreement to meet appropriate insurance, indemnity and hold harmless requirements, and responsibility for damage to the Airport. The permit shall require the Permittees consent to reasonable amendments or additions to permit requirements as circumstances may warrant.
 - (F) An applicant for self-fueling permit shall pay a nonrefundable application fee of \$500.00 at the time of application. A Permittee shall pay an annual self-fueling fee, which shall be:
 1. \$500.00 to be paid on the first day of the first month after self-fueling operations begin, and
 2. \$500.00 to be paid on the same date of each year thereafter.
 - (G) In conducting self-fueling operations, a Permittee shall not vary materially from the application information unless a written request for a variation is submitted to and approved by the Commission. A material variation includes, but is not limited to, a different individual for fueling than what is stated in the application information. The Commission may allow temporary variations from the application information while a request for a variation is pending.
 - (H) A self-fueling permit is not assignable and not transferable. Unless it is revoked as allowed by this ordinance, a self-fueling permit shall remain effective until the termination or expiration of the land lease that is required by this ordinance.
 - (I) The tank system may be sold to another party, who must resubmit for application for a self-fueling permit. At no time can the existing system be used until the application is approved in accordance with the requirements of this ordinance.

22.20 Fueling Restrictions and Permit Process

- (2) Fuel Tank System.
 - (A) A self-fueling permit for the underground tank method shall be issued only if the applicant has executed a standard hangar land lease with the Airport, which may be an existing lease or a new lease.
 - (B) At a minimum, the lease shall include, or be amended so as to include the following provisions:
 - 1. Permission to site an underground fuel tank system in accordance with this ordinance.
 - 2. A security deposit in the amount of \$10,000.00 per tank plus the amount of the self-insured retention (deductible) in the pollution liability and environmental impairment insurance that the lessee will be required to provide, with interest payable to the lessee, to be held by the Airport as the result of any activity related to self-fueling engaged in by the Permittee, including the Permittee's failure to pay the fuel flowage fee required by this ordinance. If the self-insured retention exceeds \$5000.00, it may be satisfied by an irrevocable letter of credit in favor of the Reedsburg Municipal Airport in a form acceptable to the Airport.
 - 3. Insurance, indemnity and hold harmless requirements to protect the Airport against liability and expense, including insurance for fuel vendors.
 - 4. Requirements for tank maintenance and inspection, lessee responsibility for damage related to fuel storage and self-fueling operations, and tank removal and site restoration at the end of the lease, upon permit expiration or revocation, or upon expiration of the manufacturer's warranty period, whichever comes sooner. The security deposit will be returned upon termination of the lease and restoration of the site satisfactory to the Airport Commission.
 - 5. Record keeping, audit and inspection rights for the Airport.
 - 6. Incorporation of the requirements of this ordinance.
 - (C) Prior to the lease or lease amendment being executed by the Airport, it shall be reviewed and approved by the Commission and all appropriate State and Federal agencies.
- (3) Fueling Operations.
 - (A) The fuel tank system for the underground tank method must meet all of the following requirements:
 - 1. For each fuel type, have at least one single-compartment double-walled fiberglass tank with an Underwriters Laboratory Listing marking of UL 1316 and a minimum capacity of 2,500 gallons and the tank shall:
 - a. have corrosive-resistant piping that is double-walled,
 - b. have an electronic monitoring system that includes interstitial monitoring of the tank and associated piping, automatic tank gauging as the primary leak detection method for the tank, and central station monitoring, and
 - c. be properly closed and removed at the end of the tank manufacturer's warranty period or at the end of the lease term, whichever comes sooner.
 - 2. Have an engineered spill-containment system for the tank and fuel servicing station capable of capturing a fuel release in accordance with applicable state and federal regulations.
 - 3. Have an appropriate fuel metering system.
 - 4. Be installed pursuant to construction plans that have been approved by the Commission and the Wisconsin Department of Commerce prior to the start of construction.
 - 5. Be owned by the Permittee.
 - (B) No later than 72 hours before self-fueling operations begin, the Permittee shall notify the Administrator that construction of the fuel tank system is complete.
 - (C) The Permittee shall operate the fuel tank system in a safe, efficient and clean manner and

22.20 Fueling Restrictions and Permit Process

shall not allow the use of any defective fuel tank system equipment. The Permittee shall perform repair and maintenance upon the fuel tank system as required by the lease, applicable state laws and administrative rules.

- (4) Fueling Operations.
- (A) Any vehicle that is on the Airport premises for any purpose related to self-fueling shall use only such roadways or aircraft movement areas as are designated by the Commission.
 - (B) Fueling operations during which fuel is transferred between an aircraft fueling system and an aircraft shall occur only in the area designated for that purpose by the Commission.
 - (C) No individual may perform a fueling operation unless the individual meets all of the following requirements and does execute, without fail, the following:
 - 1. Remains with the fueling apparatus at all times during the fueling operation;
 - 2. Exercise extreme caution to prevent a fuel spill, and if a spill occurs, immediately ceases fueling operations and notifies the Manger and or any individual the Commission designates as an appropriate contact person;
 - 3. Is an employee of the Permittee, but this requirement does not apply to an individual delivering fuel into a fuel storage tank;
 - 4. For any fueling operation that results in the transfer of fuel into an aircraft, can demonstrate that he or she is authorized, trained and fully qualified to operate the fuel transfer equipment by
 - a. having completed, or been trained by an individual who has completed, an accepted FAA training program, and
 - b. carrying with him or her an identification card issued by the employer which certifies his or her qualifications;
 - 5. Complies with all NFPA and FAA requirements regarding fuel transfers for aircraft fuel servicing.
 - (D) The Permittee shall keep training records for the employees who perform fueling operations of a minimum of three years, and shall make the training records available to the Commission upon request.
 - (E) Any vehicle that transfers fuel into a storage tank shall leave the Airport upon completion of the fueling operation.
- (5) Fuel Flow Fee.
- The Permittee shall pay a fuel flowage fee of \$0.03 (three cents) for each gallon of fuel delivered to Permittee's fuel tank system to the airport. Payment of the fees shall be made to the Owner on the First Monday of each month for the fuel that was delivered or transferred during the previous month. Any late payment by 30 days or more shall be subject to interest in the amount of 1.5% per month. With each payment, the Permittee shall furnish the Administrator with a statement and documentation, by the fuel supplier, showing the number of gallons delivered or transferred for the applicable payment period.
- (6) National Fire Protection Association.
- The City of Reedsburg adopts and makes a part of this ordinance as though fully set forth all of the provisions of NFPA 30.407 and 415. If there is any conflict between any provision of this ordinance and any provision of NFPA 30.407 or 415, the provision that is more stringent shall apply. Any violation of NFPA 30.407 or 415 is a violation of this ordinance.
- (7) Compliance with other laws.
- A Permittee shall comply with all local, state and federal laws, codes, ordinances, rules and regulations now or hereafter in force and effect applicable to any activity associated with the storage and transfer of aircraft fuel. This includes, but is not limited to, compliance with ordinances of Sauk county and rules of administrative agencies of the State of Wisconsin, including Wisconsin Administrative Code Chapter Commerce 10 Flammable and Combustible

22.20 Fueling Restrictions and Permit Process

Liquids. A Permittee shall also comply with all covenants of the Reedsburg Municipal Airport and all FAA Advisory Circulars and Orders pertaining to the storage, handling and dispensing of aircraft fuel and all amendments and revisions thereto. A violation of any law, code, ordinance, rule, regulation, circular or order referred to in this section is a violation of this ordinance.

(8) Inspections, Records and Audits.

(A) The Permittee shall make at least weekly and monthly inspections of any fuel tank system it has as recommended by FAA Advisory Circular 150/5230-4, Aircraft Fuel Storage, Handling and Dispensing on Airports, and shall maintain a written record of such inspections. The Permittee shall also keep and maintain written records of all fuel brought to the Airport for self-fueling purposes (including dates, suppliers and quantity) and of all fuel quantities transferred into aircraft by aircraft identification numbers. The Permittee shall also maintain accurate records of fuel product monitoring to ensure that there is no leakage from any fuel storage tanks it has. Copies of monthly leak detection reports generated by an underground fuel tank monitoring system must clearly identify the tank owner, the tank location and the tanks content and shall be provided to the Administrator every three months. The records required by this paragraph shall be kept for a minimum of five years and shall be made available to the Administrator upon request.

(B) In addition to the records required by paragraph (A), the Permittee shall

1. provide the Commission with information and records which are requested for the purpose of determining compliance with this ordinance including, but not limited to, records pertaining to business organization and ownership of equipment, and employee status, and
2. promptly forward to the Administrator copies of any fire or safety inspection reports, underwriting audits or insurance company reviews that relate to the Permittee's self-fueling operations at the Airport, including its fuel tank system. The Permittee shall also allow the Administrator or his or her designee, to inspect the Permittee's fuel tank system for the purpose of determining compliance with this ordinance.

(C) The Airport shall have the right, during reasonable hours and upon reasonable advanced notice, to audit Permittee's records regarding its self-fueling operations at the Reedsburg Municipal Airport.

(9) Additional Requirements.

(A) The Permittee shall provide for the adequate handling and disposal, away from the Airport, of all trash, garbage and other refuse generated as a result of its self-fueling operations.

(B) The Permittee shall handle, use, store and dispose of fuel and all other material, including hazardous materials, owned or used by it at the Airport in accordance with all applicable federal, state, and local laws, codes, rules, regulations and ordinances, including rules of the Commission.

(10) Enforcement.

(A) The failure to comply with any requirement of this ordinance is a violation of this ordinance. Any potential violation of this ordinance may be investigated by the Commission or the Commission's designee. If the Commission determines that a violation has occurred, he or she may do any of the following:

1. If the violation jeopardizes the safety of persons or property, order the Permittee to cease self-fueling operations until the violation is corrected and take reasonable steps to ensure compliance with the order.
2. Issue a written and or verbal warning, or
3. Make a written report of the violation to the Commission.

22.20 Fueling Restrictions and Permit Process

- (B) If a written report of a violation is made to the Commission, the Commission shall, either at its monthly meeting or call a special meeting, review all relevant information and determine whether a violation of this ordinance occurred and, if a violation occurred, what consequences should be imposed. The determination must be by a majority of the Commission members present.
- (C) If the Commission determines that a violation of this ordinance occurred, it may impose any or all of the following consequences:
 - 1. Recommend legal action;
 - 2. Order the Permittee to take certain action consistent with this ordinance, the permit or the lease, or
 - 3. Revoke the self-fueling permit for a time certain.
- (D) Any person who violates any provision of this ordinance shall be subject to a forfeiture of not less than \$100.00, nor more than \$5000.00, for each day of each violation, together with the costs of enforcement. Each requirement of this ordinance that is violated constitutes a separate violation. In addition to forfeiture, the Airport may seek such other relief, legal or equitable, as is available.

22.21 VIOLATIONS AND PENALTIES

- (1) Any person who violates any of the provisions of this Chapter 22 shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (A) First offense penalty. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
 - (B) Second offense penalty. Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, but not exceeding six months.
- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the Owner from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter.
- (3) The provisions of this Ordinance shall be enforced by the Reedsburg Police Department, City Building Inspector, City Public Works Director and/or the City Airport Commission depending on the provision violated.