

RESOLUTION NO. 2023 - 15

A Resolution adopting an updated edition of the Airport Minimum Standards for Commercial Aeronautical Activities.

RECITALS:

Whereas, The current edition or the Minimum Standards for Commercial Aeronautical Activities, was published on December 13, 2005; and

Whereas, Numerous changes in the Aviation Industry have occurred recently necessitating an update to the Minimum Standards for Commercial Aeronautical Activities; and

Whereas, the Federal Aviation Administration (“FAA”) has published revised guidance related to Minimum Standards in Order 5190.6B and Advisory Circular 5190.7; and

Whereas, it is in the best interest of the City of McMinnville and the McMinnville Municipal Airport to operate the McMinnville Municipal Airport in compliance with FAA Regulations, Orders and Advisory Circulars; and

Whereas, This 2023 update to the Minimum Standards for Commercial Aeronautical Activities ensures fair and equitable opportunity for commercial activities at the McMinnville Municipal Airport; and

Whereas, the Airport Commission has undertaken a public process during the development of this 2023 update to the Minimum Standards for Commercial Aeronautical Activities; and

Whereas, the Airport Commission and the Airport Administrator has recommended adoption by the City Council of this update to the Minimum Standards for Commercial Aeronautical Activities.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MCMINNVILLE, OREGON, as follows:

1. That those certain McMinnville Municipal Airport Minimum Standards for Commercial Aeronautical Activities dated March 28, 2023, attached hereto as Exhibit A, are hereby adopted by the City Council of the City of McMinnville in connection with the operation of the McMinnville Municipal Airport and shall amend in their entirety and replace all earlier versions of such Minimum Standards.
2. That such Minimum Standards shall be published, posted or made available for public use and information in a manner consistent with the requirements of the FAA.

Adopted by the Common Council of the City of McMinnville at a regular meeting held the 28th day of March 2023 by the following votes:

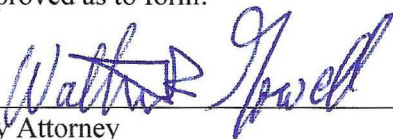
Ayes: Geary, Menke, Chenoweth, Payne, Peralta, Garvin

Nays: _____

Approved this 28th day of March, 2023.

MAYOR

Approved as to form:



City Attorney

Attest:



City Recorder

(Exhibit A)

**Minimum Standards
for
Commercial Aeronautical Activities
McMinnville Municipal Airport
McMinnville, Oregon**

**Adopted by City Council
March 28, 2023**

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Section 1 Definitions

1.1 Definitions

All definitions contained in this section apply to the McMinnville Municipal Airport Minimum Standards, Rules and Regulations, and Leasing Policies. Definitions are taken from the McMinnville Municipal Code, Oregon Revised Statutes, Federal Aviation Regulations, Federal Aviation Administration Advisory Circulars, U.S. Department of Transportation Aeronautical Information Manual, and other sources as appropriate.

Aeronautical Activity - any activity or service conducted at the Airport that involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, on-demand operations, aircraft fueling, aircraft storage, flight training, aircraft rental, aircraft sales, aircraft repair and maintenance.

Agreement - the written agreement between the City and a Person specifying the terms and conditions under which the Person may conduct commercial aviation activities.

Aircraft - any contrivance used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, or blimp.

Aircraft Fuel - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating internal combustion, jet, or turbine engine, which meet the standards of ASTM D910-Latest (AVGAS) and D1 655-Latest (JETA).

Aircraft Operation - an aircraft arrival at, taxiing on, or departure from, the airport.

Aircraft Owner - a person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.

Aircraft Parking and Storage Areas - hangar and apron locations at the Airport designated in the Airport Layout Plan, in lease documents, and other areas identified by the Airport Manager for the parking and storage of aircraft.

Aircraft Rental - the commercial operation of renting or leasing aircraft to the public for compensation.

Aircraft Sales - the sale of new or used aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.

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, construction, modification or alteration to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul. This category of service also includes the sale of aircraft parts and accessories.

Airport - any and all of the properties owned and controlled by the City of McMinnville, Oregon, being used as a public airport and located in Yamhill County, Oregon, at latitude 45°11'58"N, and longitude 123°08'18"W.

Airport Administrator - the City Manager or his/her designee. This person shall have the authority to appoint an Assistant Airport Administrator and Airport Manager.

Airport Commission - The body made up of seven persons (including one Council member) appointed by the City Council to provide advice to the Airport Manager, Airport Administrator, and to the City Council on management, care, and control of the Airport; required rules and regulations in connection therewith; and the expenditure of such funds as shall be appropriated by the McMinnville City Council.

Airport Layout Plan - the plan of an airport showing the layout of existing and proposed airport facilities which is subject to FAA approval.

Airport Manager - The person/entity with the right to exercise all of the authority granted to the Airport Administrator in the physical operation of the Airport for aeronautical purposes, grass seed farming activities, and the enforcement or application of these rules subject to the paramount right of the Airport Administrator to supervise or overrule his/her action, inaction, or decision.

Airport Operations Area (AOA) - the area of the Airport used for aircraft landing, takeoff, or surface maneuvering, including the hangars, navigation, and communication facilities.

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.

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.

City - the City of McMinnville, Oregon as governed by the City Council.

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, for-profit or hire. An activity is not considered a commercial activity if the business is nonprofit, charitable, or tax-exempt.

Commercial Operator (Operator) - a person, firm, corporation, or other entity conducting commercial aeronautical services or activities at the Airport for compensation or hire. Non-aeronautical services would be subject to the applicable City regulations.

Contract Caretaker - a person under contractual agreement with the City of McMinnville to oversee, inspect, and maintain specific Airport facilities and operations.

Exclusive Right - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, by the imposition of reasonable standards or requirements, or by any other means.

FAA - the Federal Aviation Administration.

Fixed Base Operator (FBO) - a full-service commercial operator who engages in the primary activity of aircraft refueling, airframe and power plant maintenance, and a minimum of two (2) of the following secondary activities: flight training, aircraft rental, on-demand operations, line/ramp services, avionics maintenance and sales, and aircraft storage/hangar rentals.

Flight Instructor - a person who is properly licensed and certified by the FAA and provides the insurance coverage required to provide flight instruction. Flight training, as opposed to flight instruction, is defined in this document in Section 1.1.6 Flight instruction can be provided through a flight training facility provided by an FBO or a SASO and/or from a flight instructor licensed as an MSP.

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 written pilot's examination and flight check ride for various categories of pilots' certificates and ratings.

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.

Fuel Handling or Fueling - the transportation, sale, delivery, dispensing, or draining of fuel or fuel waste products to or from aircraft.

Fuel Storage Area - any portion of the Airport designated temporarily or permanently by the Airport Administrator or Airport Manager as an area in which aircraft fuel or any other type of fuel may be stored or loaded.

General Aviation - all civil aviation operations other than scheduled air services and non-scheduled air transport operations for remuneration or hire.

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 Oregon, or any political subdivision thereof, and the presence of which requires investigation, removal and/or remediation.

Lease - the written contract between the City and a person/business enterprise specifying the terms and conditions under which a person may occupy and operate from certain Airport facilities and/or property.

McMinnville City Council - seven elected City officials (including the Mayor) who comprise the governing body of the City of McMinnville.

Minimum Standards - the qualifications or criteria established by the McMinnville City Council as the minimum requirements that shall be met by businesses engaged in on-airport aeronautical activities for the right to conduct those activities.

Mobile Service Provider (MSP) - a person or entity who provides commercial aeronautical services on airport property but does not operate out of owned or leased property on the airport.

ODA - the Oregon Department of Aviation.

On-Demand Operation - any operation for compensation or hire as defined in FAR Part 119.

Permit - administrative approval issued by the Airport Administrator to a Person to conduct a commercial aeronautical activity, and provide such services to based and transient aircraft only from facilities and locations where such services are authorized.

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.

Roadway - any street or road, whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.

Self-Fueling - the fueling or services of an aircraft (i.e. changing the oil, washing) by the owner of the aircraft with his or her own employees and using his or her own equipment.

Self-Service Fueling - fueling an aircraft by the pilot using fuel pumps installed for that purpose. The fueling facility may or may not be attended by the owner/operator of such a facility. The use of this type of facility is not considered to be self-fueling.

Specialized Aviation Service Operation (SASO) - an aeronautical business that offers a single or limited service. Examples of a SASO include, but are not limited to: scheduled commuter air service, air ambulance, flight training, aircraft sales, avionics sales and maintenance, aircraft storage, propeller and/or aircraft accessory repair and sales, aircraft upholstery, aircraft painting, banner towing, and skydiving.

Sublease - the written agreement stating the terms and conditions under which a third-party person leases space from a Lessee for the purpose of providing aeronautical services at the Airport.

Taxi-lane - the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage hangars.

Taxiway - a defined path established for the taxiing of aircraft from one part of the Airport to another.

“Through the Fence” Operator - a person or entity adjacent to the Airport, who provides commercial aeronautical services off of airport property and does not operate out of owned or leased property on the airport but has access to airport facilities.

Vehicle Parking Area - any portion of the Airport designated and made available temporarily or permanently by the Airport for the parking of vehicles.

Section 2 Authority for and Purpose of Minimum Standards

2.1 Compliance with Federal Law

The Airport is identified by the Oregon State Aviation Plan as a Class II airport, and it has been developed and improved with Federal Aviation Administration (FAA) Airport Improvement Program (AIP) funds. The adoption of Minimum Standards for the Airport is intended to comply with federal law prohibiting the grant of exclusive rights to use an airport that has received federal funding through AIP funds. The adoption of Minimum Standards is highly recommended by the FAA as a means to comply with federal law and regulations concerning exclusive rights. The FAA does not require the adoption of Minimum Standards. The McMinnville City Council intends to comply with federal law and in particular with FAA Advisory Circular 150/5190 (series)7 (Minimum Standards For Commercial Aeronautical Activities).

2.2 Commercial Activity Authorization

No person or entity may conduct a commercial activity on the Airport without prior written permission from the Airport Administrator.

When the Airport Administrator determines that a person is engaged or proposes to engage in commercial activity at the Airport, the Airport Administrator may grant that person permission to do so, may issue that person a permit with restrictions or conditions, may require the person to enter into a lease or agreement, or may deny such permission. The Airport Administrator will consider the following conditions in determining if a commercial aeronautical activity will be authorized to conduct business:

- (1) The impact of the new commercial activity on public safety and convenience. The Airport Administrator will impose conditions and restrictions necessary to ensure safety in the air and on the ground, and to preserve unobstructed traffic patterns and runway approaches.
- (2) The amount of space at the Airport, the customary uses of the Airport, and the compatibility of the new commercial activity with present and planned development at the Airport.
- (3) The degree to which the new commercial activity complies with Federal, State and Local laws and regulations, including land use regulations.
- (4) Whether the new commercial activity is conducted for-profit or non-profit and its promotion of aviation, safety or education.

2.2.1. Application Procedures

Prospective operators shall contact the Airport Administrator to apply for a permit or lease.

2.3 Operational Regulations

Every person operating an aircraft shall comply with and operate such aircraft in accordance with applicable regulations and standards of the FAA and other appropriate governmental agencies. Every person operating an aircraft is responsible for the safety of operation and for the safety of others exposed to such operation, and therefore shall exercise good operating procedures at all times. Aircraft shall not be operated carelessly or negligently nor in disregard of the rights and safety of others.

Nothing in this document shall be construed to place the City of McMinnville, McMinnville Municipal Airport or City staff in a position to regulate or enforce flight activities that fall under the jurisdiction of the FAA. It is the responsibility of the pilot in command as to the safe operation of the aircraft.

2.4 Purpose of Minimum Standards

Minimum Standards are adopted to provide the threshold requirements for those persons desiring to provide commercial aeronautical services to the public at the Airport. The Minimum Standards are based upon the conditions at the Airport, the existing and planned facilities at the Airport, and the current and future aviation role of the Airport. The prospective commercial aeronautical operator shall agree to offer the described minimum level of services in order to obtain an agreement, permit or lease to operate at the Airport. All operators are encouraged to exceed the “minimum” in terms of quality of facilities and services.

Minimum Standards are intended to help meet the McMinnville City Council’s goals. These include developing aviation as an integral part of Oregon’s transportation network, creating and implementing strategies to protect and improve Oregon’s aviation system, encouraging aviation-related economic development, supporting aviation safety and education and increasing commercial air service and general aviation in McMinnville. In addition, the McMinnville City Council adopted these standards to ensure that:

- (1) Any person who uses or accesses Airport property or facilities for commercial activity shall compensate the Airport at fair market value (fair market rent) for such use and privileges.
- (2) No person receives a competitive advantage through free or less-than-fair market value (rent) to utilize Airport facilities when other comparable commercial operators are compensating the Airport at fair market value (rent) for the same use.
- (3) Airport public areas, roads, taxiways, runways and aprons remain available and open for public aeronautical use subject to Airport Rules and Regulations.

The implementation of Minimum Standards will assist the Airport Administrator in the management of the Airport by:

- (1) Establishing uniform requirements and their application to all prospective operators.
- (2) Maintaining compliance with federal grant assurances.
- (3) Maintaining the orderly and efficient development of an airport and the Airport’s commercial aeronautical services.
- (4) Establishing a consistent level of entry into aeronautical service.
- (5) Ensuring adequate services and facilities by Fixed Base Operators (FBOs) to meet the needs of airport users.

These Minimum Standards are established specifically for the Airport, a Class II airport located within the McMinnville Urban Growth Boundary (UGB) in Yamhill County with high aircraft traffic volume and a high demand for airport space. The Airport is an important component of the State's overall transportation network. The Airport generates economic growth and livability throughout the County and City.

Section 3 Applicability of Minimum Standards

3.1 General Requirements

All persons conducting commercial 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 airport operator's lease, license, permit or agreement, unless any such provisions are expressly waived or modified by the Airport Administrator in writing. The mere omission of any particular part of these minimum standards in a lease, license, permit or agreement shall not constitute a waiver or modification of the standard unless the document expressly states that the City waives application of that standard.

3.1.1 Multiple Services

When a commercial operator conducts multiple activities pursuant to one lease, license, agreement or permit, the commercial operator shall comply with the minimum standards established for each separate activity or SASO. 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.

3.2 Activities Not Covered by Minimum Standards

Activities with no specific minimum standard in this policy will be addressed by the Airport Administrator on a case-by-case basis in the commercial operator's written lease, license, permit or agreement.

3.3 Waivers or Modifications

The Airport Administrator 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. The Airport Administrator may waive, for a period not to exceed thirty (30) days, the portion of these Minimum Standards which limit the providing of retail fuel/oil sales and/or airframe and power plant maintenance services to only an FBO or SASO. The Airport Administrator may waive or modify any portion of these Minimum Standards 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 operators at the Airport. Any waivers will be presented to the Airport Commission at the next scheduled meeting.

3.4 Applicability of Minimum Standards to "through-the-fence" Agreement Operators

The Airport does not allow "through-the-fence" operations. The present exception to this rule is the lease to Eversion, LLC at 3800 NE Three Mile Lane which is currently a "through the fence" operator that was granted this status prior to the adoption of these Airport Minimum Standards.

3.5 Minimum Standards Review, Revisions and Amendments

The Airport Administrator and Airport Commission will conduct a review of this document every two years, with the option of accomplishing reviews of the entire document or specific areas sooner if deemed necessary by the Airport Administrator. After reviewing, any revisions, additions or deletions of this document will be forwarded with recommendations to the McMinnville City Council for approval. The Airport Administrator may make revisions and amendments to the Minimum Standards any time necessary to comply with FAA regulations or terms of the City's FAA grant assurances. City Council and the Airport Commission will be notified at the next scheduled meeting of any changes.

3.6 Enforcement

The Airport Administrator has established fair, practical and reasonable Minimum Standards for the Airport. Any commercial business operator who is making an investment at the Airport deserves the continuity of fair and uniform enforcement. It is the intent of the Airport Administrator to provide consistent, uniform, and fair enforcement of these Minimum Standards to accomplish the Airport's goals and promote successful commercial business operations.

Section 4 Business Operations

4.1 Employee Conduct and Customer Service Emphasis

The goal of the Airport Administrator is to offer the tenants and users of the Airport commercial operators that provide quality customer service that meets or exceeds customer needs through consistent, responsive, and professional service.

4.2 Management Control and Supervision

Each commercial operator is required to employ the necessary quantity of trained, on duty management and supervisors to provide for the efficient, safe, and orderly compliance with its lease, agreement, or permit obligations.

4.3 Personnel Training and Certification

All commercial operator personnel shall be fully qualified and trained to provide a high quality standard of courteous, efficient, and safe service to the public. Personnel shall meet all federal, State, and local training and certification requirements applicable to their individual duties and company services.

4.4 Interference with Utilities

No operator shall do or permit to be done anything that may interfere with the effectiveness or accessibility of the Airport or public utility system, drainage system, sewer system, fire protection system, sprinkler system, alarm system or fire hydrants. If an operator discovers such a situation, the operator is required to notify the local fire department or utility company and Airport Manager immediately.

4.5 Insurance

Prior to commencement of service, a commercial operator shall procure and maintain continuously in effect throughout the term of their activities upon the Airport, at the operator's sole expense, insurance of the types and in at least such minimum amounts as are set forth in the specific standards in Section 5.5, which may be revised from time to time by the Airport Administrator.

4.6 Airport Security

All commercial operators shall comply with all applicable security requirements adopted for the Airport by the Airport Administrator, the FAA, or the Transportation Security Administration, and shall comply with the directives of any law enforcement officer or other airport personnel implementing these requirements. The Airport Administrator reserves the right in their sole discretion at any time to impose additional security requirements, applicable to all similarly situated operators.

Section 5 Minimum Standards for Fixed Base Operators

5.1 Primary Aeronautical Services

A Fixed Base Operator (FBO) is an entity engaged in the business of providing multiple services to aircraft users. In addition to the primary services of aircraft fueling and airframe and power plant maintenance (described in Section 5.6), an FBO at the Airport shall provide a minimum of two (2) of the following secondary FBO services (described in Section 5.7): flight training, aircraft rental, on-demand charter, avionics maintenance and sales, line/ramp service, or aircraft storage. Only FBOs shall be permitted to provide retail fueling services and facilities at the Airport. Each FBO shall conduct its business and activities on and from the leased/assigned premises in a professional manner consistent with the degree of care and skill exercised by experienced FBOs providing comparable products, services, and activities from similar airports in like markets.

5.2 Leasehold Size

5.2.1 Buildings

The FBO shall lease or construct, on the property, a public-use building with floor space for a customer lobby, office, pilot's lounge, flight planning and weather briefing area, and public rest rooms. The FBO shall lease or construct, on the property, a maintenance shop and storage hangar with a minimum of 4,000 sq. feet of space.

5.2.2 Vehicle Parking

Each FBO shall provide adequate parking to meet the needs of customers and employees in accordance with City Building Codes but not less than five (5) paved parking spaces on the property.

5.2.3 Aircraft Parking

Each FBO shall provide property for an aircraft operating area (ramp), independent of any building area, vehicle parking area, and fuel storage area. This aircraft operating area shall provide transient aircraft parking and tie-downs for a minimum of five (5) aircraft. The tie-down ramp area shall be adequate to support all the activities of the FBO and all approved subtenants.

5.3 Hours of Operation

Each FBO is required to be open for business and provide aircraft fueling and line services seven (7) days per week, excluding holiday closures, during appropriate business hours. Business hours, including holiday closures, must be recorded with the Airport Manager in advance. Each FBO shall be on-call 24 hours a day to provide afterhours fuel service within two (2) hours of a customer request. Each FBO shall provide a communications link for the after-hours on-call fueling services. If multiple FBOs are providing fuel service on the Airport, a mutually agreeable schedule can be developed to meet the after-hours on-call fueling requirement and shall be recorded with the Airport Manager.

5.4 Staffing and Employee Qualifications

5.4.1 Staffing

Each FBO shall employ and have on duty during the required hours of operation a quantity of personnel necessary to meet the Minimum Standards for each aeronautical service provided. However, multiple responsibilities may be assigned to employees where feasible. Each FBO shall have at least one (1) employee on duty at all times during hours of operation, and provide to the Airport Manager, and keep current, a written statement of names, addresses, and contacts for all personnel responsible for the operation and management of the FBO. In addition, the Airport Manager shall be provided a point-of-contact with phone numbers for emergency situations.

5.4.2 Employee Qualifications

All FBO fuel handling personnel shall be trained in the safe and proper handling, dispensing, and storage of aviation fuels. The FBO shall develop and maintain Standard Operating Procedures (SOP) for refueling and ground handling operations and shall ensure compliance with standards set forth in the Uniform Fire Code and FAA Advisory Circular 00-34A, Aircraft Ground Handling and Servicing. The SOP shall address bonding and fire protection, public protection, control of access to the fuel storage area, and marking and labeling of fuel storage tanks and fuel dispensing equipment. The SOP shall be submitted to the Airport Administrator no later than thirty (30) days prior to the FBO commencing fueling activities. Additionally, the FBO shall comply with FAA Advisory Circular 150/5230, Aircraft Fuel Storage, Handling, and Dispensing on Airports, Airport rules and regulations, and all other applicable laws related to aircraft fuel handling, dispensing and storage. Each FBO shall obtain all applicable fueling certifications and permits and receive periodic refresher training as required. The Airport Manager and/or the FAA may periodically conduct inspections of the FBO activities and facilities to ensure compliance with laws, regulations, and Minimum Standards.

5.5 Insurance Requirements

Each FBO shall meet all City of McMinnville insurance requirements and shall therefore maintain the types and amounts of insurance as specified in the lease, permit or agreement and name the City of McMinnville as additionally insured in the policy.

5.6 Primary FBO Services

5.6.1 Airframe and Power Plant Maintenance

Each FBO shall provide airframe and power plant maintenance 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, or the removal of engines for major overhaul. This category of service also includes the sale of aircraft parts and accessories. An airframe and power plant maintenance operator shall: (1) Operate the service from a ventilated shop and aircraft storage space of at least 4,000 square feet and capable of accommodating at least one aircraft within the FBO leasehold.

- (2) Employ and have on-duty a minimum of one (1) FAA-certified technician who possesses an airframe and power plant certificate, with inspection authorization, or conduct operations as a certified repair station pursuant to 14 CFR Part 145.
- (3) Keep premises open and services available during appropriate business hours, five (5) days a week.
- (4) Provide equipment, supplies and parts required for general aircraft airframe and power plant inspection, maintenance and repair.

5.6.2 Fuel

- (1) Each FBO must provide the sale and into-plane delivery of ASTM-rated brands of aviation fuels, lubricants and other aviation petroleum products. In addition, the FBO shall provide, store, and dispense either 100 LL octane avgas and/or Jet A fuel, or alternative aircraft fuels, including, but not limited to UL94. All equipment used for the storage and/or dispensing of petroleum products must meet all applicable federal, State, and local safety codes, regulations and standards.
- (2) Each FBO shall provide a stationary fuel storage system which meets all applicable federal, State and local regulations and standards. The system shall be designed and operated to meet Air Transport Association (ATA) 103 requirements and the requirements of AC 1 50/5230 Each FBO shall provide either 100LL fuel storage tanks (5,000 gallon capacity minimum), Jet A fuel storage tanks (10,000 gallon capacity minimum), or both. The FBO shall also provide mobile or stationary dispensing equipment and one (1) or more personnel to serve the Airport's fuel demand. Filter-equipped fuel dispensers with separate dispensing pumps and meter systems for each grade of fuel shall be provided. All metering devices must be inspected, checked and certified annually by appropriate local and State agencies.
- (3) Each FBO shall have a fuel storage system designed in accordance with all EPA regulations including proper fuel spill prevention features and containment capabilities. In addition, each FBO shall provide a current copy of their fuel spill prevention, countermeasures, and control plan to the Airport Manager. Fuel inventories will be monitored in accordance with current EPA standards, and copies shall be provided to the Airport Administrator when requested.
- (4) Upon approval of the Airport Administrator and written permission (required by State Fire Marshall's office) from the Airport Administrator, an FBO shall provide self-service fueling (card-reader or card-lock) equipment. Self-service fueling equipment must be in compliance with State and local building codes, Office of the State Fire Marshall regulations, and must comply with fueling equipment requirements set forth in Section 5.6.2 (1-3).
- (5) Each FBO shall conduct the lawful, sanitary, and timely handling and disposal of all solid waste, regulated waste, and other materials including, but not limited to, sump fuel, used oil, solvents, and other regulated waste. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property is not permitted upon the FBO premises.
- (6) Each FBO shall provide an adequate supply of properly located, type, size and operable fire extinguishers and other safety equipment in accordance with the Uniform Fire Code. All fire extinguisher certifications must be current.

5.6.3 Pilot Services and Concessions

As part of the primary services requirement, each FBO shall provide the following services and concessions inside their main building.

- (1) Customer service counter stocked with basic pilots' supplies.
- (2) Public lounge, waiting area, and indoor restrooms.
- (3) Flight planning work area with Flight Service Station and weather service communication links.
- (4) Public telephones.
- (5) Snack foods and beverage machines.
- (6) Local ground transportation contacts.

5.6.4 Aircraft Line/Ramp Services

The necessary equipment, supplies, and trained personnel for aircraft parking and tie-downs.

5.7 Secondary FBO Services

The FBO shall provide two (2) of the following secondary services at the stated minimum standards. The FBO is encouraged to provide additional services at a minimum level of professional standards appropriate for that business.

5.7.1 Flight Training

A flight training services operator provides aircraft ground and flight instruction necessary to complete the written examination and flight check for any category of pilot certificate or rating. A flight training services operator shall:

- (1) Employ and make available at least one (1) or more FAA-certified flight instructor necessary to meet the flight training demand and schedule requirements.
- (2) Provide one or more properly maintained and equipped aircraft to accomplish the services offered.
- (3) Provide a facility to conduct a professional classroom teaching and learning environment. The facility must, at minimum, provide heated and air-conditioned classroom areas, inside restrooms, and a pilot lounge area with snack and beverage machines.

5.7.2 On-Demand Operations

An on-demand operator provides air transportation of persons or property to the general public for hire, either on a scheduled or unscheduled basis, or as defined by the FAR Parts 119 and 135. An on-demand operator shall:

- (1) Employ and make available at least one (1) person who is appropriately certified and rated to permit the flight activity offered by the operator.
- (2) Provide one or more properly maintained and equipped aircraft to accomplish the services offered.
- (3) An on-demand operator shall have and display a current FAR Part 135 Certificate.

5.7.3 Aircraft Rental

An aircraft leasing or rental services operator provides general aviation aircraft for leasing or rental to the public. An aircraft rental services operator shall:

- (1) Keep premises open and services available during appropriate business hours, seven (7) days a week.
- (2) Have available for rental a minimum of one (1) owned or leased, certified, and airworthy aircraft.
- (3) Ensure that all renters are in compliance with Airport rules and regulations.

5.7.4 Avionics Maintenance and Sales

An avionics maintenance service operator provides the maintenance, repair, and installation of aircraft avionics, radios, instruments, and accessories. This service includes the sale of new or used aircraft avionics, radios, instruments, and accessories. The operator shall:

- (1) Operate the service in a heated and ventilated shop space to accommodate one aircraft within the FBO leasehold.
- (2) Employ and have on duty at least one (1) trained and FAA-certified technician.
- (3) Keep premises open and services available during appropriate office hours, five (5) days a week.
- (4) Hold the appropriate FAA repair station certificates for the types of equipment the operator plans to service and/or install.

5.7.5 Aircraft Storage and Hangars

An aircraft storage and hangar service operator leases and rents hangars and/or multiple T-hangars, to aircraft owners or operators primarily for aircraft storage purposes. An aircraft storage and hangar service operator shall:

- (1) Make hangar operator contact name and phone numbers, hangar availability, and rental rates known to prospective customers via a posted informational sign inside the FBO's terminal. A separate leased space is not required for this service.
- (2) Rent hangars primarily for aircraft storage purposes. It is the responsibility of both the operator and owner of each based aircraft stored within the operator's hangar facilities to comply with the rules and regulations of the Airport.

Section 6 Minimum Standards for Specialized Aviation Service Operations

6.1 General Requirements

As per the definition of Specialized Aviation Service Operations (SASO) in **Section 1.1** a SASO is an aeronautical business that offers a single or limited service. The specific SASO services described in this section are not meant to be an exclusive list of SASO services, but rather to clearly indicate the Minimum Standards that those particular services must meet to qualify for a SASO license at the Airport.

However, a SASO may not sell fuel. No permit for the sale of fuel products by a SASO will be issued by the Airport Administrator.

6.1.1 Compliance

SASOs provide a single or limited number of commercial aeronautical activities. SASOs providing the same or similar services shall comply equally with all applicable Minimum Standards.

6.1.2 Leased Space Requirement

Each SASO shall operate out of a building located on the Airport. The building shall be of an appropriate size to accommodate the services being offered, be accessible to those requiring the service, and be marked with appropriate external signage. Each SASO shall meet City Building Code for paved auto parking area appropriate for the needs of the business.

6.1.3 Responsible Personnel

Each SASO shall provide the Airport Manager, and keep current, a written statement of names, addresses, and contacts of all personnel responsible for the operation and management of the SASO.

6.1.4 Insurance Requirements

Each SASO shall meet all City of McMinnville insurance requirements and shall therefore maintain the types and amounts of insurance as specified in the lease, permit, or agreement and name the City of McMinnville as additionally insured in the policy.

6.2 Flight Training

SASOs providing aircraft dual and solo ground and flight instruction necessary to complete the written examination and flight check for any category of pilot certificate or rating shall meet the following minimum requirements:

- (1) Employ and make available at least one (1) or more FAA-certified flight instructor necessary to meet the flight training demand and schedule requirements.
- (2) Provide one or more properly maintained and equipped aircraft to accomplish the services offered.
- (3) Provide a facility to conduct a professional classroom teaching and learning environment. The facility must, at minimum, provide heated classroom areas, inside restrooms, and a pilot lounge area with snack and beverage machines.

6.3 Avionics Maintenance and Sales

SASOs providing avionics services, which include the maintenance, repair, and installation of aircraft avionics, radios, instruments, and accessories, and includes the sale of such equipment, shall:

- (1) Operate the service in a heated and ventilated office or shop space able to accommodate one (1) aircraft on the Airport.
- (2) Employ and have on duty at least one (1) trained and FAA certified technician.
- (3) Keep premises open and services available during appropriate business hours, five (5) days a week.
- (4) Hold the appropriate FAA certificates required for the types of services offered.

6.4 Aircraft Storage and Hangars

An aircraft storage and hangar service operator leases and rents hangars or multiple T-hangars, to aircraft owners or operators primarily for aircraft storage purposes. An aircraft storage and hangar service operator shall:

- (1) Make hangar operator's contact name and phone numbers, hangar availability, and rental rates known to prospective customers and keep on file with the Airport Manager.
- (2) Rent hangars primarily for aircraft storage purposes. The operator and the owner of each based aircraft stored within the operator's hangar facilities must comply with the rules and regulations of the Airport as well as applicable federal, state, and local building and safety codes, regulations, and standards.

6.5 Aircraft Sales

SASOs providing new and/or used aircraft sales and aircraft brokerage services shall:

- (1) Employ and have on duty at least one (1) qualified aircraft salesperson.
- (2) Keep premises open and services available during established business hours as recorded with the Airport Manager.
- (3) Must be registered with the State as an aircraft dealer.

6.6 Aircraft Restoration, Painting, and Refurbishing

SASOs providing the restoration, painting and refurbishing of aircraft structures, propellers, accessories, interiors, exteriors, and components shall:

- (1) Employ and have on duty at least one (1) qualified person who has certificates appropriate for the work performed.
- (2) Keep premises open and services available during appropriate business hours as recorded with the Airport Manager.
- (3) Meet all requirements of the Uniform Fire Code.

6.7 Specialized Flying Services

SASOs providing specialized commercial flying services such as agricultural spraying or seeding, non-stop sightseeing tours, aerial photography or surveying, power line or pipeline patrol, firefighting or fire patrol, air ambulance, airborne mineral exploration, banner towing, and other air transportation operations specifically excluded from FAR Part 135 shall:

- (1) Employ and make available at least one (1) person who holds a current FAA commercial pilot certificate and medical certificate with ratings appropriate for the operator's aircraft.
- (2) Have established business hours recorded with the Airport Manager.
- (3) Own or lease at least one (1) airworthy aircraft.
- (4) If operator performs aerial agricultural applications or other services involving commercial use of chemicals, the operator shall provide a centrally drained and paved area of not less than ten thousand (10,000) square feet for aircraft loading, washing and servicing. This area shall meet all current requirements of State, federal, and local agencies. The agricultural operator shall also provide for the safe storage, handling, and containment of materials and equipment.
- (5) Ensure that pilots and aircraft are in compliance with the Airport Rules and Regulations and Minimum Standards.

6.8 Commercial Skydiving

SASOs engaging in the transportation of persons for skydiving, instruction in skydiving, and rental and sales of skydiving equipment shall:

- (1) Make available for skydiving at least one properly certificated aircraft, either owned or under lease.
- (2) Meet or exceed the Basic Safety Requirements (BSR) of the United States Parachute Association (USPA), FAR Part 105, and related FAA Advisory Circulars. The jump plane pilot must hold a commercial pilot certificate and be appropriately rated for the aircraft being operated.
- (3) Any requested skydiving operations will be subject to a safety assessment of the operations and for compatibility with the existing airport traffic.

Section 7 Mobile Service Providers

7.1 General Requirements

7.1.1 Compliance

Mobile Service Providers (MSP) are persons or entities that provide commercial aeronautical services on McMinnville Airport property (excluding non-based aircraft operations, such as; FEDEX, Air Ambulance) but do not operate out of owned or leased property on the Airport. An MSP may provide any aeronautical service and related activities. However, an MSP may not provide aircraft airframe and engine maintenance (unless that maintenance meets the requirements of 7.2 Mobile Service Aircraft Maintenance) or aircraft retail fueling. Examples of MSP's include but are not limited to: aircraft detailers, independent flight instructors, dynamic prop balancers, and mobile oil recyclers.

7.1.2 Responsible Personnel

Each MSP shall provide to the Airport Manager, and keep current, a written statement of names, addresses and contacts of all personnel responsible for the operation and management of the MSP.

7.1.3 Insurance Requirements

Each MSP shall meet all City of McMinnville insurance requirements and maintain all types and amounts of insurance specified in the Airport Use permit.

7.2 Mobile Service Aircraft Maintenance

7.2.1 Mobile Service Maintenance Standards

An aircraft owner requiring warranted maintenance, experiencing an aircraft component failure, or requiring specialized repair assistance that cannot be provided by the existing authorized FBO/SASO, or other SASO, operating at McMinnville Municipal Airport, may contract with a certified maintenance specialist not based on the Airport.

Aircraft and/or engine maintenance performed by a mobile service provider is limited to the following:

- a. Warranted maintenance work requiring repair or additional attention by the warranting company.
- b. A malfunction or other condition preventing the aircraft from being flown to another airport for maintenance (maintenance limited to that required to bring an aircraft to flyable condition, or to remove it by ground transportation).
- c. Maintenance work requiring a specialty service not currently provided by or on the capability list of the existing FBO/SASO, or other SASO on the airport.
- d. Individuals/entities performing mobile service aircraft maintenance may not advertise or offer their services to the general public as a service offered at the McMinnville Municipal Airport.
- e. Service Providers shall not recruit or employ other technical personnel currently employed at McMinnville Airport

7.2.1.1 General Aviation Mobile Service Maintenance Provider

Mobile Service Maintenance Providers may perform limited functions similar to a SASO, but working at multiple locations on the airport. Fees associated with the MSMP Permit are based on land lease rates and are to be paid on an annual basis.

Mobile Service Maintenance Providers may perform the following services:

- a. Aircraft Inspections to include only: Annual, 100 hour, Condition, or other required inspections without major disassembly of the aircraft, aircraft engine, or components, or repairs.
- b. Aircraft Maintenance specifically prescribed in Federal Aviation Regulation (FAR) Part 43 Appendix A(c).

7.2.2 Permitting and Insurance Requirements

An individual/entity, requested by an aircraft owner to engage in such services, must obtain an Airport Use Agreement and pay a Permit Fee identified in the Airport Fee Schedule. The Airport Use Permit shall be limited to either a single event or an annual period.

Proof of insurance in the form of a Certificate of insurance meeting the City of McMinnville's contemporary minimum limits and any additional insurance requirements identified in the Airport Use Agreement must be provided prior to work being performed with a hold harmless clause in favor of the City of McMinnville, its officers and employees.

Copies of any and/or all applicable FAA certification documents for the work to be performed shall be provided.

Mobile Service Providers are responsible for removing ALL trash, debris, waste oils, fuels, lubricants, and/or other hazardous waste resulting from their work at the McMinnville Municipal Airport. Removal must occur immediately at the conclusion of the service event and must follow all applicable Federal, State, & Local disposal requirements.

7.2.3 Permitting Requirements

An aircraft owner requiring warranted maintenance work, experiencing an aircraft component failure, or requiring specialized repair assistance that will not be provided by an existing authorized FBO/SASO operating at McMinnville Municipal Airport, may contract with a certified maintenance specialist not resident on the Airport.

An individual/entity, requested by an aircraft owner to engage in such services, must obtain an Airport Use Permit from the Airport Administrator, or the Airport Manager if the Administrator is not available, provide required certificates of insurance, and pay all fees required by the City.

Individuals/entities performing mobile service aircraft maintenance may not advertise or offer their services to the general public as a service offered at the McMinnville Municipal Airport.

Section 8 Self-Service Fueling

8.1 Authorization Requirements

Self-service fueling is the fueling of an aircraft by the pilot using pumps and equipment installed for that purpose. A self-service fueling facility must be owned and operated by an FBO and is for public use. The fueling facility may or may not be attended by the FBO that owns and operates the equipment. The Airport Administrator has the option to grant authorization for self-service fueling operations to FBOs with written permission from the Airport Manager. All self-service fueling operators shall apply to and receive approval from the Office of the State Fire Marshal before commencing operations. Self-fueling and other self-services cannot be contracted out to another party, and shall be conducted in compliance with all applicable codes and rules.

8.2 Fuel Products and Hours of Operation

Any authorized self-service fueling owner/operator shall provide, at a minimum, 100LL aviation gasoline. The products and equipment must meet all applicable federal, State, and local regulations and requirements regarding safety, testing, filtering, inventory management, quality assurance, and stated hours of operation.

8.3 Fuel Storage and Dispensing Equipment

The fuel storage areas are the locations on the Airport designated temporarily or permanently by the Airport Administrator as the only areas in which aviation fuels may be stored. The fuel storage and dispensing equipment shall meet all applicable federal, State, and local regulations and requirements, including FAA Advisory Circular 150/5230 (series).

8.4 Environmental Compliance

The FBO providing the self-service fueling operation shall be knowledgeable of and comply with all federal, State, and local environmental laws, ordinances, rules and regulations. The operator shall provide the Airport Administrator a current fuel spill prevention, countermeasures and control plan that contains methods and procedures to prevent, control, and clean up a fuel spill on Airport property.

8.5 Reporting Requirements

Each FBO authorized to install and maintain a self-service fueling system shall provide monthly fuel inventory reconciliation reports to the Airport Manager listing the total amounts of fuel dispensed to all aircraft.

Section 9 Appeals

9.1 Appeal Process

Any person who challenges an application of these standards to that person may appeal this application pursuant to the following process.

9.1.1 Timing of the Appeal

Any appeal under this section must be filed within ninety (90) calendar days of the action giving rise to the appeal.

9.1.2 Form of the Appeal

The appeal must be in writing and must specify the name, address, telephone number and other relevant contract information of the appellant. It must state which provision(s) of these standards the appellant believes has (have) been wrongly applied to appellant, set out a general statement of the facts which the appellant believes are relevant, and specify the reasons appellant believes that these provisions have been wrongly applied. The appeal must be signed and dated by the appellant.

9.1.3 Filing of the Appeal

The appeal must be filed with the Airport Administrator by mailing in the United States Postal Service, by first class certified mail. The filing date shall be the first business day following the date the appeal is received by the Airport Administrator. A filing fee, detailed in the Airport Fee Schedule, must accompany the appeal at the time of filing.

9.1.4 Appeal Review

The Airport Administrator will investigate the appeal and make a preliminary determination, and provide feedback to the appellant. If the appellant desires to move forward with the appeal, the Airport Administrator will forward the appeal to the Airport Commission for review and determination. If the Airport Commission disagrees with the Airport Administrator's decision, the Airport Commission will provide recommendations, at which point the Airport Administrator may modify the decision or seek legal counsel to make a final determination.