

CHAPTER 959
Springfield-Beckley Municipal Airport

(EDITOR'S NOTE: The regulations in Sections 959.01 to 959.99 were adopted by Ordinance 99-229, passed July 13, 1999.)

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CROSS REFERENCES

Endangering aircraft—see Ohio R.C. 2909.08
Aeronautics—see Ohio R.C. Ch. 4561
Airports—see Ohio R.C. Ch. 4563
Airports and temporary fields—see OAC Ch. 5501:1-1
Heliports—see OAC Ch. 5501:1-5

959.01 PURPOSE.

This chapter establishes the minimum standards for the conduct of civil commercial aeronautical activities at the Springfield-Beckley Municipal Airport, Ohio.

These standards provide, through the granting of certain privileges, the minimum activities of general aviation airport services required by the public of a metropolitan area. Through the granting of these privileges and establishment of the requirements, it is felt that the Springfield-Beckley Municipal Airport will best be able to ensure availability and continuance of service in a safe and efficient manner. To conduct an activity at the Springfield-Beckley Municipal Airport, it shall be necessary to meet the criteria and requirements, as set forth by the City for those activities as specifically required by these rules and regulations.

959.02 REFERENCES.

The following publications were used in the development of this chapter:

- (a) Federal Aviation Agency (FAA) Advisory Circular (AC) No. AC150/5190-1A;

Minimum Standards for Commercial Aeronautical Activities on Public Airports, December 16, 1985.

- (b) Federal Aviation Agency (FAA) Advisory Circular (AC) No. AC150/5190-2A; Exclusive Rights at Airports, April 4, 1972.
- (c) FAA Handbook ASP 5190.6 "Airports Compliance Requirements".
- (d) Springfield Municipal Airport Master Plan; Phase 2 - July 1980. (Ord. 01-299. Passed 8-21-01.)

959.03 DEFINITIONS.

As used herein, the following terms shall have the meanings indicated:

- (a) "Standard(s)" means one or more qualifications which may be established as minimum requirements to be met as a condition for the right to conduct an activity at the Municipal Airport.
- (b) "Commercial aeronautical activity" means any aeronautical activity conducted in or from Airport property which involves the operation, maintenance or servicing of aircraft where either:
 - (1) The activity is performed for money or other valuable consideration, or
 - (2) The activity is performed by a for profit corporation, partnership, company, trust or other legal entity, or
 - (3) The activity is performed on an aircraft not owned or leased by the performer of the activity.

Aeronautical activity shall include, but not be limited to all activities commonly conducted in airports, such as charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, flying clubs, aerial advertising and surveying, air carrier operations, aircraft sales, aircraft maintenance (which term includes aircraft inspections which must be performed by a FAA licensed inspector and made pursuant to applicable Federal Aviation Regulations), sale of aircraft fuels and consumables, and the servicing/installation of aircraft components. However, the following are activities which by themselves do not constitute aeronautical activities: professional services where any aircraft operation is only incidental to the service (FAA medical examination, engineering activities involving airport siting and zoning, and legal services involving aircraft operation), food preparation and sales (including catering for in-flight meals) and sales of aeronautical accessories either by mail or over-the-counter (installation of these accessories may be an aeronautical activity).

- (c) "Airport" and "Municipal Airport" mean the Springfield-Beckley Municipal Airport, Ohio.
- (d) "City" means the City of Springfield, Ohio.
- (e) "Board" means the Springfield Municipal Airport Advisory Board.
- (f) "Commission" means the Springfield City Commission.
- (g) "Division of Aviation" means the division within the City government established by public law to manage the aeronautical activities of the Municipal Airport.
- (h) "Airport Manager" means the person appointed by the City's City Manager to be the Manager of the Springfield-Beckley Municipal Airport.
- (i) "Airport layout plan" means the currently approved, scaled dimensional layout of the entire Airport properties, indicating current and proposed usage for each identifiable segment as approved by the Commission and amended from time to time.
- (j) "Person" means any person, firm, general or limited partnership, limited liability company, corporation, trust or association making application for, leasing or using any land or facility at the Airport.
- (k) "General Fixed Base Operator" (GFBO) means a person, firm or

corporation subject to the provisions of a lease and a nonexclusive license engaging in:

- (1) three or more specialty commercial aeronautical activities; or
- (2) two or more specialty commercial aeronautical activities with fuel dispensing operations.

- (l) "Specialty Fixed Base Operator" (SFBO) means a person, firm or corporation subject to the provisions of a lease and a nonexclusive license engaging in two or fewer specialty commercial aeronautical activities.
- (m) "Specialty commercial aeronautical activities" means those activities identified in these regulations as being activities which may be used to receive credit for designation as a General Fixed Base Operator.
- (n) "Other aeronautical related commercial activities" means a person, firm or corporation subject to the provisions of a nonexclusive license engaging in commercial activities which do not by themselves constitute an aeronautical activity but may support aeronautical activities; however, the term does not include pilot examinations performed by a pilot examiner who is certified pursuant to Federal Aviation Regulations and who does not occupy facilities located on the Airport, such services being unregulated by this Chapter.
- (o) "Commercial operator" means a person who provides for compensation or hire goods or services to others in or from the Airport.
- (p) "Fuel dispensing operations" means dispensing fuel for sale, either directly or indirectly, to the public, as distinguished from dispensing fuel exclusively for use in a fixed base operator's owned or leased aircraft or vehicles.
(Ord. 01-299. Passed 8-21-01.)

959.04 RENTING AIRPORT SPACE.

Any person engaged in aviation activities at the Municipal Airport who leases or rents from the City either an aircraft tiedown space or an aircraft hangar space solely for the storage of his/her aircraft is prohibited from conducting any commercial aeronautical activity and/or other aeronautical related commercial activity from the space leased or rented unless he/she is in compliance with these standards.

959.05 STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES.

The City has established standards for commercial aeronautical activities at the Airport. The following space requirements are to be used in determining the space needs for the activities listed below:

- (a) Office: Not less than fifty square feet per employee.
- (b) Public restrooms: In conformance with applicable building code.
- (c) Off-street parking: 1.5 parking spaces per employee.
- (d) Briefing and/or classroom: Not less than 124 square feet.
- (e) Lobby area: Not less than 124 square feet.
- (f) Aircraft storage: Sized for aircraft submitted in the proposal.
- (g) Aircraft maintenance and/or repair area: Not less than 4,800 square feet with the repair/maintenance area having an interior clear span height of not less than seventeen feet except for structures existing on or before July 1, 1982.

The requirements for items (a) to (e) above shall be in addition to the space requirements for aircraft storage and/or the maintenance and/or repair area.

Any detached occupied building constructed shall contain not less than 1,000 square feet.

All structures shall be designed and built as permanent structures.

All plans for the improvements of land and buildings shall be submitted with the certification of either a registered architect and/or registered engineer.

The City shall be solely responsible to determine if the site improvements conform to

the standards set forth in these regulations.

In the event two or more activities require the same space needs (e.g., restrooms) the City may allow the space to be combined to meet each activity's space requirements. If the applicant wishes to do this, the application shall reflect this combined space approach.

Fuel dispensing operations may only be engaged in by a GFBO.
(Ord. 01-299. Passed 8-21-01.)

959.06 APPLICATIONS FORMAT AND PROCEDURES.

Applications for leases of ground and/or facilities in the Airport, or for permission to carry on any commercial aeronautical activity or any other aeronautical related commercial activity in the Airport, with the necessary permits and licenses, shall be filed with the Airport Manager in writing along with an application processing fee of Twenty-Five Dollars (\$25.00). The applicant shall submit all information and material necessary, or requested, to establish to the satisfaction of the City that the applicant will qualify and will comply with these rules and regulations. The application shall be signed and submitted by a party authorized to sign for the business. A listing of names, including all interested parties, shall be submitted with the application.

- (a) Minimum Application Information/Format. The City shall not accept or take action on a request until after the interested party submits, in writing, a proposal which sets forth the scope of the proposed operation(s). The application shall include:
 - (1) The legal name and address of the applicant.
 - (2) The proposed land use, facility and/or activity.
 - (3) The names and qualifications of the personnel to be involved in conducting such activity.
 - (4) The financial responsibility and ability of the applicant and operator to perform and provide the activity sought for a minimum of three months.
 - (5) The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
 - (6) The requested or proposed date for commencement of the activity and the term of conducting the same.
 - (7) The estimated cost of any structure or facility to be furnished, the proposed specifications for the same and the means or method of financing such.
 - (8) The specific types and amounts of insurance proposed in accordance with minimum requirements for the activity.
 - (9) Names and a financial statement of proposed guarantors of the lease.
 - (10) Submission of a pro forma operating statement for first year.

- (b) Supporting Documents. The applicant shall submit the listed supportive documents to the Airport Manager . Other documents and information may be requested by the Airport Manager.
 - (1) Financial statement: A current financial statement certified or prepared by a certified public accountant.
 - (2) Assets: A written listing of the assets owned or proposed to be purchased which will be used in the business in the airport.
 - (3) Credit report: A current credit report covering all areas in which the applicant has done business up to the past ten years.
 - (4) Authorization for release of information: A written authorization for the FAA and CAB and all aviation or aeronautic commissions, administrators or departments of all states in which the applicant has engaged in aviation business to supply the Airport Manager with all information in their files relating to the applicant or his operation. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies.

- (5) Aircraft: Copies of aircraft registration(s) and/or lease agreement(s) showing the type and number of aircraft to be used by the applicant in his/her proposed activities.
- (c) Action by City Manager. The City Manager shall convene a committee comprised of the Airport Manager, the Chairman of the Airport Advisory Board, a city attorney and such other persons as the City Manager deems advisable to consider the application, negotiate the terms of a lease and/or license and thereafter make a recommendation to the City Manager.
- (d) The City may lease any Airport property now or hereafter owned by the City on such terms and conditions as the City may prescribe by negotiation, public auction or sealed bids. All leases made pursuant to public auction or sealed bids shall be made to a responsible bidder at the highest and best rental bid, in accordance with normal bid procedures.
- (e) The City shall be the sole authority in determining the financial capability and capacity of persons proposing activities on the Airport.
- (f) If the City Manager is able to determine that an applicant meets all requirements and standards pertaining to the type of commercial activity for which a license is sought, the City Manager shall issue a license to the applicant; otherwise no license shall issue to the applicant. Licenses issued pursuant to this Chapter shall expire on the expiration date of the lease entered into between the City and the applicant related to the license. In the event the City terminates a lease entered into pursuant to this Chapter, the license related to such terminated lease shall expire at the same time such lease termination becomes effective.

959.07 MINIMUM REQUIREMENTS.

No person shall be granted an exclusive right to conduct any commercial aeronautical activity or any other aeronautical related commercial activity in the Airport. No person shall be permitted to use any land or structure to conduct any commercial aeronautical activity or any other aeronautical related commercial activity or the solicitation of business unless in accordance with the standards herein established.

Prior to the leasing of any space, whether ground or building, and prior to commencing any operation or business in the Airport, a prospective lessee shall present evidence satisfactory to the City that the prospective lessee meets the minimum standards established herein for engaging in such business in the Airport. The City, as owner of the Airport, may engage in such activities as it deems to be appropriate and in its best interest.

- (a) The lessee shall, prior to exercising the privileges of the lease, obtain and during the term of his lease, keep current all State, Federal and local licenses required for each phase of his/her Airport activity and comply at all times during the term of his/her lease with all Federal, State and local laws and regulations.
- (b) Upon execution of the lease agreement, and before the applicant is given possession of the leasehold, the applicant shall post a performance bond of eighty percent (80%) of the amount of the total estimated construction cost of all leasehold capital improvements to be erected by the applicant, guaranteeing the construction of all such facilities in accordance with the plans and specifications thereon within the time specified under the lease. If such construction or improvements are valued at less than ten thousand dollars (\$10,000), no performance bond is required.
- (c) Before the applicant is given possession of the leasehold, the applicant shall provide the City with a surety bond in the amount equal to two months of the annual lease guaranteeing payment of rentals reserved under the lease.
- (d) Each lessee is expressly prohibited from conducting any activity at the Airport other than as provided for by the lease.
- (e) If the nature of the activity to be conducted by the lessee requires an environmental impact statement, the lessee, at his/her expense, shall prepare

and submit such a statement to measure the effect of the activity to be conducted on the ecology of the area which may be impacted.

- (f) Each activity to be conducted by the lessee shall be conducted and located in conformity with the Airport Master Plan, Airport Operations Manual and the Airport Layout Plan, in effect at this time and as may be amended from time to time.
- (g) All leasehold improvements shall be constructed in accordance with detailed construction plans and specifications which shall be submitted to the Airport Manager and have approval of the City. All construction shall meet the building code requirements of all applicable governing bodies.
- (h) The prospective lessee shall disclose if the applicant has previously been held in default of any lease agreement, contract, license or permit relating to the operation of a business by a court of law or other cognizant legal authority.
- (i) The prospective lessee shall have a satisfactory credit rating. Refusal to submit necessary information for making a credit appraisal shall disqualify the applicant from further consideration.
- (j) The prospective lessee shall demonstrate a current financial net worth showing that he/she holds unencumbered current assets in a total amount equaling at least three months' estimated maintenance and operating expenses. Applicant shall also demonstrate that he/she has the capital required or unconditional financial backing sufficient to construct all leasehold improvements required by these standards and shall unconditionally commit to such construction within a specified period of time. If commitments of the lease are not followed, the City may, at its option, take necessary steps to foreclose on the performance bond.
- (k) All structures and improvements hereafter erected or placed on the leasehold shall require the lessee to obtain the prior written approval thereof from the FAA. For approval by the FAA, the lessee shall submit thereto, in triplicate, "Notice of Construction or Alteration" on FAA Form 7460-1, properly completed and accompanied by a map or sketch, prepared at a scale large enough to permit evaluation of the proposed buildings or structures with respect to airspace utilization and FAA Technical Standard Ord. N-18 and showing the height and dimensions of such buildings or structures and their relationship to the Airport.

959.08 MINIMUM ACTIVITY REQUIREMENTS.

(a) Term of Lease. A ground lease with no leasehold improvements existing at the time of the lease shall only be for a period of time sufficient for the lessee to amortize his/her cost of fixed capital improvements such as, but not limited to, construction of buildings, improvements and paving of parking lots or tiedown areas. The term of the lease shall be commensurate with the value of the leasehold improvement. If no leasehold improvement is made, the term of the lease shall be negotiable.

(b) Condition of Lease. In all leases where the lessee constructs improvements or alters existing improvements to the leased premises, including but not limited to buildings, parking lots, hangars and parking aprons, such improvements shall become the property of the City at the termination of the lease unless the City determines that it would not be in its best interest to own such improvements. In that event, the lessee shall remove such improvements within sixty days of the termination of the lease at the lessee's sole expense.

(c) City Buy-out of Improvements. The City, at its option, may purchase any and all leasehold improvements or alterations to existing improvements to the leased premises. The purchase by the City shall be at a negotiated price and be included in the lease. Such prices shall be on a pro-rated basis defined in the lease during the term of the lease.

(d) General.

- (1) Building space requirements may be provided in one building, attached buildings or separate buildings.
- (2) All applicants and their employees who are required to hold licenses and permits shall maintain such licenses and permits during the course of the lease agreement.
- (3) All persons offering any of the services or combinations thereof may do so only under written lease or agreement with the Airport owner.

(e) Rates and Charges. All leases shall be subject to negotiations with the City. Such leases may include but not be limited to the following financial arrangements:

- (1) A standard rate: All lessees may pay to the City a standard rate which shall be determined by the fair market value of the properties leased by the City to the lessee and remuneration for ancillary services and privileges provided by the City to the lease.
- (2) Percentage rental: In all leases except leases for nonrevenue producing commercial activities, the lessee may pay to the City, in addition to the standard rate, such percentage of the gross revenue of the lessee's activities conducted at the Airport as is mutually agreed to by both parties.
- (3) In addition, the City may impose upon the lessee, by lease, such other charges and fees as may be appropriate under the circumstances.

(f) The provisions of these minimum standards shall in no way negate or cause to be null or void existing leases with the Fixed Base Operators and Airport tenants at the Municipal Airport. No new leases or renewals shall be executed with persons at the Airport, nor shall amendments to existing leases be executed unless they are made subject to the provisions of these minimum standards.

(g) Any commercial aeronautical activity not listed under SFBO or GFBO activities shall be reviewed and approved on its own merit as the occasion or need arises and shall then be included in these minimum standards.

959.09 MANDATORY LEASE CLAUSES.

(a) Lessee agrees to operate the premises leased for the use and benefit of the public:

- (1) To furnish good, prompt and efficient service, adequate to meet all the reasonable demands for its service at the Airport.
- (2) To furnish such service on a fair, equal and nondiscriminatory basis to all users thereof.
- (3) To charge fair, reasonable and nondiscriminatory prices for each unit of sale or service, provided that the lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions.

(b) The lessee, his/her agents and employees shall not discriminate against any person or class of persons by reason of race, color, creed, sex or national origin in providing any service or in the use of any of its facilities provided for the public, in any manner prohibited by part 152 of the Federal Aviation Regulations. The lessee further agrees to comply with such enforcement procedures as the United States might demand that the lessor take in order to comply with the sponsor's assurances.

(c) The lessor shall be responsible for the payment of all property taxes for the areas leased to it. The lessee shall be responsible for the payment of all other taxes whether City, State or Federal which arise or may arise as a result of its operation conducted on the leased premises.

(d) It is understood and agreed that nothing contained in the lease shall be construed to grant or authorize the granting of an exclusive right of service.

959.10 MINIMUM INSURANCE REQUIREMENTS.

The lessee shall be fully responsible and assume all risks from fire, storms and accidents to their own employees or the general public and shall take out and maintain appropriate insurance coverage as agreed to in the lease. Such insurance coverage shall be maintained during the term of the lease agreement. The City shall be named as an additional insured on each policy and shall be provided evidence of the existence of stipulated insurance in the form of copies of insurance policies or certificates of insurance. The City shall be given at least thirty days' written notice of policy alterations, cancellations or deletions.

The lessor reserves the right to increase or decrease the amount of minimum coverage required, commensurate with the type and extent of service to be performed.

The lessee shall protect the public and the City from any and all lawful damages, claims or liability caused by its operations at the Airport; and at its sole cost and expense, provide premises liability in the minimum amount of one million dollars (\$1,000,000) combined single-limit, bodily injury and property damage. In addition, the City may require the lessee to provide product liability insurance in a minimum amount of one million dollars (\$1,000,000) combined single-limit, bodily injury and property damage.

Where applicable, the lessee shall be required to provide and keep in force, during the term of the lease, hangarkeepers liability insurance with the minimum amount being one hundred thousand dollars (\$100,000) per aircraft for each occurrence.

959.11 SPECIALTY COMMERCIAL AERONAUTICAL ACTIVITIES.

The following specialty commercial aeronautical activities that are offered and/or provided, for compensation, in or from the Airport shall comply with the requirements set forth below. These activities are credited to the person in fulfillment of General Fixed Base Operator requirements. Any person engaging in two or fewer of the below listed activities shall be considered a "Specialty Fixed Base Operator". If a person engages in three or more of the below listed activities or two with a fuel dispensing operation, then the person shall comply with the regulations for a General Fixed Base Operator.

- (a) Aircraft Sales and/or Aircraft Rental. Any person wanting to engage in the sale or lease of new or used aircraft shall lease and/or provide as a minimum the following:
- (1) Land. The leasehold shall contain sufficient space for building(s), aircraft storage and off-street parking.
 - (2) Building(s). Lease or construct properly lighted and heated space for office, lobby area, and public restrooms.
 - (3) Personnel. One person having a valid FAA pilot certificate with ratings appropriate for the types of aircraft offered for sale or lease.
 - (4) Services. Provide for adequate servicing of aircraft and accessories during warranty periods (new aircraft only).
 - (5) Hours of operation. The normal operating hours shall be at the operator's discretion. However, operator shall be open not less than twenty hours per week and should be reasonably available to the public.
(Ord. 01-299. Passed 8-21-01.)
- (b) Flight Instruction. Any person wanting to engage in pilot flight instruction, including ground school, and/or aircraft rental shall provide as a minimum the following:
- (1) Land. The leasehold shall contain sufficient space for building(s), aircraft storage, and off-street parking.
 - (2) Buildings. Lease or construct properly lighted and heated space for classroom and/or briefing room, lobby area, office, and public restroom

facilities.

- (3) Personnel. One person holding a valid commercial pilot certificate with ratings appropriate for the types of aircraft offered for rent. If flight instruction is offered, that person should hold a current flight instructor certificate with ratings appropriate to the type of training offered.
 - (4) Aircraft. Not less than one properly certificated aircraft owned or leased in writing to the lessee. If flight instruction is offered, such aircraft shall be equipped for flight instruction.
 - (5) Hours of operation. The normal operating hours shall be at the operator's discretion, but he/she should be reasonably available to the public.
(Ord. 01-299. Passed 8-21-01.)
- (c) Charter Operations. Any person wanting to engage in charter operations shall hold an FAA Air Taxi/Commercial Operator (ATCO) certificate (issued under FAR Part 135) or an Air Carrier/Commercial Operator certificate (issued under FAR Parts 121 or 127) with operations specifications covering the services offered and all certificates required by the Civil Aeronautics Board. The following shall be provided at a minimum:
- (1) Land. The leasehold shall contain sufficient space for building(s), aircraft storage and off-street parking.
 - (2) Building(s). Lease or construct properly lighted and heated space for office, lobby area and public restrooms.
 - (3) Aircraft. At least one properly certified four-place aircraft or aircraft with not less than 500 pounds payload capacity owned or leased by the person.
 - (4) Hours of operation. Normal operating hours open not less than five days a week. Hours of operation for commercial operators are at the lessee's discretion.
- (d) Airframe and Powerplant Repair. Any person wanting to engage in airframe and power plant repair service shall provide as a minimum the following:
- (1) Land. The leasehold shall contain sufficient space for building(s), aircraft storage and off-street parking.
 - (2) Buildings. Lease or construct properly lighted and heated space for aircraft maintenance area, office, lobby area and public restrooms. The aircraft maintenance area shall meet State and local industrial code requirements.
 - (3) Personnel. Not less than one person currently certified by FAA with ratings appropriate for work being performed.
 - (4) Equipment. Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent for the work being performed.
 - (5) Hours of operation. Normal operating hours open not less than five days a week.
- (e) Aircraft Accessories Installation and Repair. Any person wanting to engage in the installation or repair of aircraft accessories, including avionics and aircraft instruments, shall provide as a minimum the following:
- (1) Land. The leasehold shall contain sufficient space for building(s), and off-street parking.
 - (2) Buildings. Lease or construct properly lighted and heated space for work area, office, lobby area, and public restrooms. The work area shall meet State and local industrial code requirements.
 - (3) Personnel. Not less than one person with ratings, licenses and permits appropriate for work being performed.
 - (4) Equipment. Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or the equivalent for the work being performed.
 - (5) Hours of operation. Normal operating hours open not less than five days a

week.

959.12 GENERAL FIXED BASE OPERATOR.

A General Fixed Base Operator shall be a primary business commercial operator providing:

- (a) Three or more of the above SFBO activities; or
- (b) Two or more of the above SFBO activities plus aircraft fueling services, who shall be authorized to do business or to provide goods or services for compensation at the Airport. If a person offers three or more of the SFBO activities, the person has the option of engaging in fuel dispensing operations; provided, the GFBO complies with the requirements contained in division (d) of this section.
- (c) Any business wanting to be an GFBO shall meet the minimum requirements set out below:
 - (1) Land. The leasehold for multiple activities shall contain space to provide for use area requirements established for the service to be offered (use spaces need not be additive where combination use can be reasonably and feasibly established).
 - (2) Building(s). Lease or construct a building(s) to provide properly lighted and heated space for office, public lounge, public telephone, briefing and/or classroom and public restrooms. All SFBO activities used to meet GFBO status shall conform to the space and use requirements of the specific SFBO activity engaged in.
 - (3) Personnel. The personnel required for each SFBO operation shall be required. However, multiple responsibilities may be assigned qualified personnel to meet these personnel requirements.
 - (4) Aircraft. All requirements for the specific SFBO activities shall be met. Multiple use of aircraft, where appropriate, can be used to meet these requirements. However, if aircraft are required for any of the SFBO operations used to obtain GFBO status, then a minimum of two properly certificated aircraft shall be owned or under the direct control by lease and based on the lessee's leasehold.
 - (5) Equipment. All equipment specifically required for each activity shall be provided.
 - (6) Services. All services specifically required for each activity shall be provided during the hours of operation.
 - (7) Hours of operation. The hours of operation shall be eight hours a day, five days a week.
- (d) If the GFBO proposes to provide fuel dispensing operations, the person shall provide as a minimum the following services and facilities in addition to the requirements of the SFBO activities undertaken to obtain GFBO status:
 - (1) Land. The leasehold shall contain sufficient space to provide for buildings, aircraft parking area equipped with six tiedowns and aviation fueling equipment.
 - (2) Personnel. One properly trained person shall be on duty during operating hours.
 - (3) Aircraft service equipment. Shall comply with fueling precautions and procedures of the Municipal Airport.
 - (4) Flight line services. The following services shall be provided by the GFBO at a minimum:
 - A. Fuel, park, and tiedown of aircraft.
 - B. Wash aircraft.
 - C. Inflate tires.
 - D. Sell lubricating oil.
 - E. Sell fuel anti-ice fluid.

F. Provide transportation for aircraft occupants from parking ramp to office.

- (5) Fueling facilities. Applicant shall construct or lease two metered filter-equipped fuel storage tanks for dispensing aviation gasoline and jet fuel on the Airport premises in areas designated by the Airport Layout Plan. The storage tanks shall have a minimum capacity of 8,000 gallons for aviation gasoline and 10,000 gallons for jet fuel. If mobile dispensing trucks are used, each truck shall have a minimum capacity of 1,000 gallons for gasoline and 1,000 gallons for jet fuel. Separate dispensing pumps and meters for each grade of fuel is required.
- (6) Hours of operation. Fueling service shall be provided seven days per week, a minimum of twelve hours per day.
- (7) Fuel commitment. Persons wanting to fuel aircraft shall demonstrate that they have a commitment from a fuel supplier to supply all fuel. Such commitment shall be in writing from the fuel supplier and shall specify the types and volumes of fuel available to the applicant.
- (8) Fuels required. One of the following aviation gasoline grades shall be provided:

100/130 octane avgas
100 octane low-lead avgas (100 LL)

One of the following jet fuel grades shall be provided:

JP-4
JP-5
Jet-A

If fuels other than those required in this section are offered, then the requirements pertaining to tank capacity need not apply to these additional fuels.

959.13 OTHER AERONAUTICAL RELATED COMMERCIAL ACTIVITIES.

(a) Any person wanting to engage in the other aeronautical related commercial activities other than those listed as specialty commercial aeronautical activities or dispensing of fuel and which support aeronautical activities shall comply with these requirements listed in this section. Activities which fall under this definition may include the following:

- (1) Banner towing and aerial advertising;
- (2) Aerial photography or survey;
- (3) Firefighting or fire patrol;
- (4) Power line or pipeline patrol;
- (5) Agricultural aerial applications;
- (6) Professional services where aeronautical activity is more than incidental to the services;
- (7) Aircraft inspections which must be performed by a FAA licensed inspector and made pursuant to applicable Federal Aviation Regulations.

(b) These commercial activities shall not be credited toward General Fixed Base Operator or Specialty Fixed Base Operator status.

(c) Each applicant wanting to engage in other commercial aeronautical activities shall make application pursuant to Section 959.06 and provide to the Airport Manager in writing the following:

- (1) A full description of the proposed other aeronautical related commercial activity;
- (2) If needed, a copy of any waiver to any FAR's required or used in the proposed operations;
- (3) If needed, a copy of any restrictions placed on any aircraft not certificated in

the standard airworthiness category.

(d) The space and terms of the lease shall be negotiated between the applicant and the City. However, it is the City's intent to control commercial activities in or from the Airport to assure that such activities are in the best interest of the public.

959.14 PROHIBITION.

No person shall perform commercial aeronautical activities or other aeronautical related commercial activities on the premises of the Springfield-Beckley Municipal Airport unless such activities are performed under the authority of a valid license issued pursuant to Section 959.06 of this Chapter.

959.15 INJUNCTION.

In addition to other remedies which the City may have to enforce this chapter, the City may also seek a court injunction against continued violation of this chapter and any order issued pursuant thereto.

959.16 FUEL FLOWAGE FEES.

General Fixed Base Operators and Specialty Fixed Base Operators shall pay to the City a Fuel Flowage Fee of ten cents (10¢) per gallon on each gallon of fuel pumped from a fuel tank owned by the City and leased to the General Fixed Base Operator or the Specialty Fixed Base Operator. The City Manager may promulgate regulations specifying times for payment of the Fuel Flowage Fee, for reporting of fuel flowage by the General Fixed Base Operators and the Specialty Fixed Base Operators and for audits of such reports. All fuel measuring devices used by General Fixed Base Operators and the Specialty Fixed Base Operators in connection with pumping fuel from a fuel tank owned by the City and leased to the General Fixed Base Operator or the Specialty Fixed Base Operator must be certified accurate in compliance with all applicable laws and regulations.

(Ord. 08-222, Passed 7-15-08; Ord. 16-282, Passed 10-11-16.)

959.99 PENALTY.

Except as otherwise provided, whoever violates any provision of this chapter, or any rule, regulation or order issued thereunder, shall be guilty of a misdemeanor of the third degree, punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding sixty days, or both such fine and imprisonment.