MINIMUM STANDARDS & REQUIREMENTS

FOR

COMMERCIAL AERONAUTICAL ACTIVITIES

AT THE

LIVINGSTON COUNTY AIRPORT

Effective November 1, 1998

MINIMUM STANDARDS GOVERNING
COMMERCIAL AERONAUTICAL ACTIVITIES
AT
THE LIVINGSTON COUNTY AIRPORT

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LIVINGSTON COUNTY AIRPORT

MINIMUM STANDARDS
FOR
COMMERCIAL AERONAUTICAL OPERATORS

INTRODUCTION

The Livingston County Aeronautical Facilities Board (hereinafter referred to as the "Board"), is charged with the responsibility for the administration of the Livingston County Airport, Howell, Michigan (hereinafter referred to as "Airport"). In order to foster, encourage, and insure the economic health and orderly development of general aviation and its related aeronautical activities at the Airport, and in order to insure adequate commercial aeronautical services and facilities are available to the users of the airport, the following Minimum Standards and requirements for commercial aeronautical tenants (as defined in section 1.01), (hereinafter referred to as "Operator"), have been adopted:

This document sets forth the Minimum Standards for an entity based upon and engaging in one or more aeronautical activities at the Airport.

Any Operator who is based on the Airport will be subject to applicable federal, state and local laws, codes, ordinances, and other regulatory measures, including Airport Standard Operating Procedures.

The Board reserves the right to change these Minimum Standards at its discretion. All entities affected by such changes will have an opportunity to comment on proposed changes and will be apprised of dates of implementation of such changes. See Article XI.

A written lease agreement, properly executed by Operator and the Board, is a prerequisite to tenancy on the Airport and the commencement of operations. The lease provisions will be compatible with these Minimum Standards and will not change or modify such standards. All leases shall include a number of standard items that are a part of all leases between the Board and any entity based on the Airport and engaged in aeronautical services or activities.

GENERAL POLICY STATEMENT

A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available airport facilities and the furnishing of selected aeronautical services; subject to the Minimum Standards as established by the Board.

An Operator shall have the right and privilege of engaging in and conducting the activities selected and specified by the written contract contingent upon meeting the established Minimum Standards, the execution of a written lease with the County of Livingston, the payment of the prescribed rentals, fees, and charges, and compliance with all federal, state, county, and airport

laws, rules, codes, and regulations.
The granting of such right and privilege, however, shall not be construed as affording the Operator any exclusive right of use of the premises and facilities of the Airport, other than those premises which may be leased exclusively to the Operator, and then only to the extent provided in a written agreement.

The prospective Operator shall select one or more aeronautical services covered by these Minimum Standards. When more than one activity is proposed, the minimum requirements will vary (dependent upon the nature of individual services in such combination) but will not necessarily be cumulative in all instances. Because of these variables, the applicable Minimum Standards to combinations of service will be discussed with the prospective Operator at the time of application.

The Board reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state, and local laws, ordinances, codes, Minimum Standards, and other regulatory measures pertaining to such use. The Board reserves the further right to designate the specific Airport areas in which aeronautical services may be conducted. Such designation shall give consideration as to the nature and extent of the operation and the lands available for such proposed uses, consistent with the orderly and safe operation of the Airport.

ARTICLE ONE
DEFINITIONS/QUALIFICATIONS/REQUIREMENTS

1.01 **Definition of an Aviation Operator**.

An aviation Operator is defined as an entity engaging in an activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations. The purpose of such activity may be to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished.

Authorized activities by an Operator shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific standards for that activity as set forth herein:

a) Aircraft sales (new and/or used)
b) Airframe and power plant repair facilities
c) Aircraft rentals
d) Flight training
e) Line services (aircraft fuels and oil dispersing)
f) Specialized aircraft repair service - radios, propellers, instruments, and accessories.
g) Aircraft charter and air taxi
i) Specialized commercial flying services
j) Aviation operators subleasing from another aviation operator (See Section 1.04(A)(8))**.**
k) Warehouse type facilities utilizing air transportation and located on the airport
l) Medical related equipment and supplies
m) Other aviation related activities
n) Airport Shuttle (Ground Transportation) Operator
p) any other activities not specifically provided for in these Minimum Standards, will be subject to negotiation.

1.02 **PRE-QUALIFICATION REQUIREMENTS**.

The prospective Operator shall submit, in written form, to the Airport Manager, at the time of application, the following information, plus such other information as may be reasonably requested by the Board:

A) **Intended Scope of Activities**. Before being granted an operating privilege on the Airport, the prospective Operator must submit to the Board a detailed description of the intended activity(s), and the means and methods to be employed to accomplish the activity(s). This description shall include:

1. The services to be offered.
2. The amount of land to be leased

3. The building space to be constructed or leased
4. The number of aircraft to be provided
5. The number of persons to be employed
6. The hours of proposed operation
7. The number and types of insurance coverage to be maintained

B) **Financial Responsibility**. The prospective Operator shall demonstrate the financial capability to initiate operations and for the construction of improvements and appurtenances that may be required commensurate with the proposed operation(s).

1.03 **GENERAL REQUIREMENTS**:

A) **Requirement of a Written Agreement**. Prior to the commencement of operations, the prospective Operator will be required to enter into a written agreement with the Board, which agreement will recite the terms and conditions under which he will operate his business on the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges and obligations of the respective parties; and other relevant covenants. It should be understood that these Minimum Standards do not represent a complete recitation of the provisions to be included in the written agreement. Such contract provisions, however, will not change, modify, or be inconsistent with these Minimum Standards.

B) **SITE DEVELOPMENT STANDARDS**:

1. **Physical Facilities**. The minimum space requirements shall be satisfied with one (1) building, attached buildings, or separate buildings on permanent foundations. Mobile office facilities may be utilized on leased property, by special permission of the Board, providing facility is in compliance with all rules, regulations, and ordinances of the FAA, Livingston County, the Livingston County Building Department and Howell Township. All construction must be approved by the Board and other appropriate agencies.

2. **Engineering Standards**. No person shall make any alterations of any nature whatsoever to any buildings, ramp or other Airport space, nor erect any building or other structure without prior submission of a written request, including detailed plans and specifications, and have receipt of written permission from the Board. Prospective Operators shall comply with all building codes of the County of Livingston and shall deliver to the Airport Manager "as built" plans upon completion. Alterations or construction must be submitted to the Federal Aviation Administration, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and receive a favorable determination, prior to commencement

of any construction.

1.04 **GENERAL LEASE CLAUSES**:

A) **For all Airport Lease Agreements**:

1. **Aircraft Service by Owner or Operator of Aircraft**: No right or privilege granted herein shall prevent any entity operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance repair and self-fueling) that it may choose to perform, subject to Board and Federal restrictions and these Minimum Standards.

2. **Airport Development**: The Board reserves the right to further develop or improve the landing area of the Airport. If the physical development of the Airport requires the relocation of Operator-owned facilities, the Board agrees to provide a comparable location, and agrees to relocate all Operator-owned buildings or provide similar facilities for the Operator at no cost to the Operator.

3. **Board's Rights**: The Board reserves the right (but shall not be obligated to the Operator) to maintain and keep in repair the landing area of the Airport. The Board shall have the right to regularly audit the financial records of all Operators if the Board has an interest in the records. The Board shall have the right to inspect all Operators in order to establish proof of currency of all licenses, compliance with all laws, rules, regulations, and standards with which the Operator is required to comply.

   The Board reserves the right to operate or conduct any or all aeronautical activities, as a part of airport operations, as necessary to benefit the Airport.

4. **Airport Obstructions**: The Board reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstructions, together with the right to prevent the Operator from erecting, or permitting to be erected, any building or other structure on the Airport which in the opinion of the Board, would limit the usefulness of the Airport or constitute a hazard to aircraft.

5. **Subordination**: Airport leases shall be subordinate to the provisions of any existing or future agreement between the County of Livingston and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

6. **Compliance with Laws, Etc.**: The Operator shall at all times comply with the Airport Rules and Regulations, Federal, State, and local laws, ordinances, codes and other regulatory measures now in existence or, as may be hereafter modified or amended, applicable to the specific type of operation contemplated. The Operator shall procure and maintain during the term of the Agreement all licenses, permits, and other similar authorizations required for the conduct of his business operations.

7. **Misrepresentation**: All terms and conditions with respect to these Minimum Standards are expressly contained herein, and the Operator agrees that no representation or promise has been made with respect to these Minimum Standards not expressly contained herein.

8. **Subleasing:** If permitted in the lease between Operator and the Board, all or a portion of a leased area may be subleased to another Operator. No such Operator shall be exempt from these Minimum Standards.

B) **For Agreements which provide services to the Public**:

1. The Operating entity, its heirs, personal representatives, successors in interest, and assignees, as a part of the consideration hereof, does hereby covenant and agree as a covenant reigning with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in an Airport lease for a purposed for which a Department of Transportation program or activity is extended or for another purposes involving the provision of similar serves or benefits, the Operators shall maintain and operate such facilities and service in compliance with all other requirements imposed in federally assisted programs of the Department of Transportation, and as said regulations may be amended.

2. The Operating entity, for itself, its heirs, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that:

   a) No person on the grounds of race, sex, color, marital status, or national origin shall be excluded from participation in, denied the benefits of, of be otherwise subjected to discrimination in the use of said facilities.

   b) That in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, sex, color, marital status, or national origin shall

be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination,

c) That the Operator shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said regulations may be amended.

3. The Operator assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered by 14 CFR Part 152, Subpart E. The Operator assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by their subpart. The Operator assures that it will require that its covered sub-organizations provide assurances to the Operator that they will undertake affirmative action programs and that they will require assurances from their sub-organizations, as required by 14 CFR Part 152, Subpart E., to the same effect.

4. Operator agrees to furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit of service; PROVIDED, that Operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

None of the above provisions are required for a hangar lease where space is used only for storing lessees's aircraft, and no services are provided to the public, however, the leases must state the intended use, and stipulate that services to the public are prohibited.

Reference FAA Advisory Circular No. 150/5190-1A, Minimum Standards for commercial aeronautical activities on public airports (1985), and the Airport's Rules and Regulations, as may be amended.

ARTICLE TWO
FIXED BASE OPERATORS

2.01 Qualifications.
An Operator shall qualify as an FBO upon proof that the said Operator is a financially stable and responsible business enterprise. In addition, said Operator shall perform more than one operation as listed in Section 1.01 of these Minimum Standards. The Operator shall demonstrate that the premises from which it operates at the Airport and the personnel employed by it comply with the following requirements, as appropriate to the conduct of Operator's business.

2.02 Minimum Area
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for the type of operations proposed. Such space shall include an office area, parking for employees and customers, a public telephone, and properly lighted and heated restrooms for customers and employees.

In the event said building is new construction, the land area to be leased shall include a minimum of 2.5 times the building footprint.

Building shall include a general aviation service hangar area sufficient for intended use. Ramp area constructed shall be a minimum of 1.5 times the area of hangar.

2.03 Personnel
Provide employees with the proper training and certifications for the operations proposed.

2.04 Equipment
Provide the equipment necessary to perform the operations proposed.

2.05 Hours of Operation
the Operator shall post and maintain hours of operation convenient to customers.

2.06 Insurance
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE III.
AIRCRAFT SALES

Any aeronautical service desiring to engage in the sale of new or used aircraft must lease or provide as a minimum the following:

3.01 Minimum Area.
the Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

3.02 Personnel.
The Operator shall provide one or more persons holding a current pilot certificate and ratings appropriate for the type of aircraft to be demonstrated. Provision must be made for the office to be attended during posted business hours.

3.03 Parts and Service.
The Operator shall have access to an adequate supply of parts and servicing facilities to provide maintenance service to customer's aircraft.

3.04 Hours of Operation.
The Operator shall provide hours of operation convenient to customers.

3.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE IV.
AIRFRAME AND/OR POWERPLANT REPAIR
OTHER SPECIALIZED AIRCRAFT MAINTENANCE SERVICES

Any service desiring to engage in airframe and/or powerplant repair or other specialized aircraft maintenance services shall provide as a minimum the following:

4.01 Minimum Area.
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

4.02 Personnel.
The Operator shall provide a minimum of one person properly certificated by the FAA or other regulatory agency with appropriate ratings for work to be performed.

4.03 Equipment.
The Operator shall provide sufficient equipment, supplies, and parts availability to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

4.04 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers.

4.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE V.
AIRCRAFT RENTAL

Any service desiring to engage in the rental of aircraft to the public shall provide as a minimum the following:

5.01 Minimum Area.
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

5.02 Personnel.
The Operator shall provide provide for office to be attended during posted working hours.

5.03 Aircraft.
The Operator shall own or have exclusive lease in writing at least one (1) aircraft equipped for flight under instrument conditions. Aircraft to be maintained in accordance with all applicable FAA regulations.

5.04 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers.

5.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE VI.
FLIGHT INSTRUCTION

All independent flight instructors, defined as giving instruction only in student owned aircraft, are exempt from this article of the Minimum Standards. Any single instructor shall have the opportunity to follow Airport's "Guidelines for use of Public Terminal Building by Flight Schools and Instructors(December 17, 1991, as amended)". All other Operator's desiring to engage in flight instruction shall provide as a minimum the following:

6.01 Minimum Area.
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, pilot supply sales, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A telephone shall be supplied for flight plans, weather briefings, or other flight related uses.

6.02 Personnel.
The Operator shall provide a minimum of one person holding a current commercial pilot certificate with appropriate ratings for flight instruction. Additional persons to provide for office to be attended during posted working hours.

6.03 Aircraft.
The Operator shall own or have exclusive lease in writing for one (1) aircraft equipped for flight under instrument conditions. Aircraft to be maintained in accordance with all applicable FAA regulations.

6.04 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers.

6.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE VII.
AIR TAXI OR CHARTER SERVICE

Any service desiring to engage in air taxi or charter service shall, in addition to meeting all provisions of FAR Part 135, provide as a minimum the following:

7.01 Minimum Area.
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, flight planning, customer lounge area, aircraft parking, and auto parking for customers and employees. Operator shall provide properly lighted and heated restrooms for customers and employees.

7.02 Personnel.
The Operator shall provide a minimum of one (1) FAA certified commercial pilot appropriately rated to conduct air service offered. Additional personnel as required to attend office during normal working hours.

7.03 Aircraft.
The Operator shall provide a minimum of one (1) aircraft equipped for flight under instrument conditions. Non-owned aircraft must have exclusive lease in writing.

7.04 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers.

7.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE VIII.
Aircraft Fuels and Dispensing Service

8.01 Fixed Base Operator.
Any Operator desiring to dispense fuel or provide fueling services must comply with FBO requirements detailed in Section 2.01

8.02 Minimum Area.
The Operator shall construct a building or lease all or a portion of a building to provide suitable facilities for office space, customer lounge area, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees. A public telephone shall be supplied for flight plans, weather briefings, or other public uses.

8.03 Personnel.
The Operator shall provide one or more persons trained in the servicing of aircraft on duty during posted working hours.

8.04 Equipment.
The Operator shall provide minimum fixed fuel storage of at least 10,000 gallons aviation gasoline and 10,000 gallons aviation jet fuel. Additional equipment as required to perform services in Paragraph 8.05.

8.05 Services Required.
The Operator shall provide the following the following services:

a. Fuel service for 100LL and Avjet.
b. Portable pre-heaters.
c. Tow vehicles.

8.06 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers. Hours shall be not less than eight (8) hours per day, seven (7) days per week.

8.07 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as

defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

8.08 Commercial/Non-Commercial Compliance with Fire/Safety Standards.
All Commercial Operators, or non-commercial operators authorized to conduct business or operate at the Livingston County Airport shall comply with the Airport's "Fire Safety/Fuel Handling Standards" considered a part of these Minimum Standards.

ARTICLE XI.
AERIAL APPLICATION OPERATIONS

9.01 COMPLIANCE WITH FEDERAL LAW:

Crop spraying and dusting services shall not be permitted to take place using the Livingston County Airport as a base of operations, until operator has demonstrated to the board compliance with all applicable federal, state, and local laws and regulations or requirements. All requirements for this class of operation will be negotiated prior to the commencement of operation from the Livingston County Airport. This restriction shall not apply to insect/pest control aerial spraying by a bonafide governmental unit or agency undertaken for the protection of the public. Such governmental units or agencies shall obtain the permission of the Airport Manager prior to initiating these activities.

ARTICLE X.
SPECIALIZED COMMERCIAL FLIGHT SERVICES

Services desiring to engage in specialized commercial air activities such as, but not limited to the following: Banner towing and aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from Part 135 of the FAA Regulations, shall comply with the following minimums.

10.01 Minimum Area.
The Operator shall construct a building or lease a portion of a building to provide suitable facilities for office space, flight planning, aircraft parking, and auto parking for customers and employees. The Operator shall provide properly lighted and heated restrooms for customers and employees.

10.02 Personnel.
The Operator shall provide at least one (1) person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

10.03 Aircraft. The Operator shall provide at least one (1) properly certificated aircraft owned or leased by written agreement.

10.04 Hours of Operation.
The Operator shall post and maintain hours of operation convenient to customers.

10.05 Insurance.
The Operator shall provide insurance coverage for all operations performed in amounts as defined from time to time by the Board. As a member of Michigan Municipal Risk, the Board will follow their recommendations as to coverages required to be provided by Operator.

ARTICLE XI.
ADOPTION AND AMENDMENT TO MINIMUM STANDARDS

11.01 ADOPTION
These Minimum Standards shall become effective as of November 1, 1998.

11.02 AMENDMENT
The Board reserves the right to amend these Minimum Standards at its own discretion.

Prior to all amendments, a written comment period of sixty (60) days will transpire for all proposed amendments. Proposed amendments will be distributed by certified mail to all Operators at the Airport affected by the Minimum Standards, for comment on proposed amendment(s).

Written comments will be discussed at the next regularly scheduled meeting of the Board. The proposed amendment(s) to the Minimum Standards will be adopted at the following regularly scheduled meeting of the Board.