

MINIMUM STANDARD FOR FIXED BASE OPERATORS
AT EVERETT STEWART AIRPORT

WHEREAS, the County of Obion, a county in the State of Tennessee, owns and operates a public airport know as Everett-Stewart Airport; and

WHEREAS, Obion County desires that aeronautical activities be furnished for the benefit of the general aviation flying public by persons operating either as General Fixed Base Operators or Special Fixed Base Operators.

NOW, THEREFORE, Obion County does hereby state that said aeronautical services and activities at said Airport shall be rendered by and engaged in by duly qualified Fixed Base Operator(s) so determined by these standards which are hereby adopted as the "Minimum Standards For Fixed Base Operators". The Airport Commission is hereby granted authority by the Obion County Commission to enforce these minimum standards, subject to limitations which from time to time may be necessary for the Obion County Commission to impose.

SECTION 1. DEFINITIONS. Unless from the context a different meaning is apparent as used in these regulations, the terms hereinafter used shall be defined as follows:

a. Aeronautical activity - This term refers to any activity which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. The following activities, conducted on airports, are aeronautical activities within this definition: charter operations, taxi operations, pilot training, aircraft rental and sightseeing, aerial photography, cropdusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and other activities which, because of the direct relationship to the operation of aircraft, can be appropriately regarded as "aeronautical activity".

b. Airport - This terms refers to the Everett Stewart Airport.

c. Applicant - This term means any person applying to the Commission for the right to establish an aeronautical activity at the airport and includes any other person having an interest in the business whether as a partner, stockholder or otherwise.

d. Commission - This terms refers to the Airport Commission of the Everett Stewart Airport. The Airport Commission is a committee appointed by the Legislative Body of Obion County, and has been delegated the responsibility of operating the Everett Stewart Airport.

e. Contract - This term refers to any written agreement between the Commission and an FBO whereby the FBO is given the right to conduct an aeronautical activity at the airport, and the term includes any lease entered into between the Commission and the FBO whereby the Commission leases real property (whether improved facilities or otherwise) to the FBO.

f. Fixed Base Operator (FBO) - A fixed base operator is a person authorized to engage in and furnish all or any part of a range of aeronautical activities and services which shall include as a minimum any of the following: the sale and dispensing of aviation gasoline, aircraft fuels and oils; providing hangar space for aircraft storage and tiedown space for at least five aircraft; providing adequate and efficient ramp service; and performing FAA approved major and minor aircraft, engine and accessory maintenance and repairs and furnishing tools and equipment for such purposes with a minimum maintenance area of 8,000 square feet.

g. Land Use Identification Plan - This term refers to a scaled, dimensional layout of the entire airport property, indicating current and proposed usage for each identifiable segment.

h. Law - This term refers to all local, state and federal common law, statutes, rules and regulations and particularly those rules and regulations promulgated by the FAA, the Environmental Protection Agency, Departments of Transportation of the United States and the State of Tennessee and of the Fire Marshall's Office of the State of Tennessee.

i. Manager - This term shall mean the Airport Manager of the Everett Stewart Airport who is the officer or representative of the commission having immediate charge of the airport.

j. Minimum Standards - This term means the qualifications which are established herein by the owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity at the airport. All FBO's and other persons utilizing the facilities of the Airport shall be subject to the minimum standards. This term includes any amendments, addendums or changes to the minimum standards.

k. Owner - This term refers to Obion County, Tennessee, which owns the Everett Stewart Airport.

l. Person - This term shall mean an individual, partnership, firm, association or corporation.

m. Tenant - This term shall mean any person renting space at the airport and who is not a fixed base operator.

SECTION 2. STATEMENT OF POLICY. In establishing these minimum standards, Obion County recognizes and adopts these statements of policy:

Obion County recognizes the statutory prohibition against granting an exclusive right to conduct aeronautical activity at the airport as imposed by Section 308 of the Federal Airport Act (as amended October, 1982, AC 150-5190-28 and Public Law 79-377); the contractual obligation contained in certain deeds and contracts between Obion County and the United States of America relative to the expenditure of federal funds upon the development and operation of the airport. Obion County desires and intends that all general aviation and aeronautical activities be conducted at said airport in a fair and equitable manner; that fair competition is promoted while safeguarding the public interest; and that the minimum standards will be applied objectively and uniformly.

Obion County recognizes that the facilities and land available for commercial aeronautical activities at the airport is a valuable and limited commodity. No facilities or land in excess of present and foreseeable requirements will be leased to any fixed base operator.

Obion County further recognizes that the public interest will be served by leasing its property to fixed base operators who are committed to providing high quality aeronautical service activities on an ongoing basis.

SECTION 3. APPLICATION PROCEDURES. Any applicant wishing to establish an aeronautical activity on the Airport shall be furnished, upon request, a copy of these Minimum Standards (as amended) and shall make application in writing to the Commission, setting forth in detail the following:

- a. The name and address of the applicant;
- b. The aeronautical activities in which the applicant desires to engage;
- c. The proposed land use and/or facility sought, if any;
- d. The names and the qualifications of the personnel to be involved in conducting such activity and a statement demonstrating their technical ability;

- e. Copies of any FAA certificates of the applicant, his agents and employees (whether now employed or expected to be employed);
- f. A current financial statement of the applicant;
- g. A list of the airplanes, tools, equipment, services and inventory proposed to be used or furnished in connection with each aeronautical activity for which a contract is sought;
- h. The requested or proposed date for commencement of each activity and the term of conducting the same;
- i. The estimated costs of any structure or facility to be furnished, the proposed specifications for same and the means or method of financing such construction or acquisition of facilities;
- j. Any further information which the Commission may deem relevant. (If any such information is requested, it will be included on a form to be prepared by the Commission).

SECTION 4. NOTICE AND HEARING. The following procedures will be followed when an application is made to establish an aeronautical activity at the airport by a prospective FBO:

- a. The application shall remain on file in the Airport Manager's office and same shall constitute a public record. Notice shall be given to the public of the filing of the application, including a description of the property which the applicant proposes to lease, if any. This notice shall be given upon receipt of the application.
- b. Upon receipt of the application, the Airport Manager shall deliver same to a standing committee to be appointed by the Chairman of the Airport Commission. It shall be the function of the committee to recommend to the committee whether or not the applicant meets the standards and qualifications that are herein established, whether or not such applicant should be granted, in whole or in part, and if granted, upon what terms and conditions. If other application is made to lease the same property or conduct a similar aeronautical activity, the subcommittee shall handle and evaluate those applications in the same manner as the original application. The subcommittee shall have the authority to meet with the applicant or applicants and/or to request additions, changes or modifications in the applications. The subcommittee shall make a written report to the Airport Commission, including any recommendations which the subcommittee may have. This report shall be submitted no earlier than thirty days form the public notice of the filing

of the original application and no later than sixty days from the date of same. This period of time may be waived by the Airport Manager when the aeronautical activity is limited to crop dusting.

c. Upon receipt of written recommendation of the subcommittee, the Airport Commission shall include said matter upon the agenda of the next meeting and, at such meeting (or at a subsequent meeting to which it may be passed) shall approve, modify or reject such application and immediately advise the applicant of the disposition of the matter in writing. The Commission is authorized to require a bond or other security by the FBO to ensure the faithful performance by the FBO of the terms of the contract if the Commission deems same necessary.

SECTION 5. STANDARD REQUIREMENTS AND CONDITIONS. Upon approval of any such application as submitted or modified, the Commission shall cause to be prepared a contract setting forth the terms and conditions under which the proposed aeronautical activity or activities shall be conducted. No person shall engage in any aeronautical activity described in these minimum standards without a contract. The minimum standards shall be a part of the contract by reference. In every instance, the contract shall be conditional upon the following:

a. The Commission reserves the right to review any lease of its property for the purpose of determining the present and foreseeable requirements of the FBO, and if such FBO is leasing property which is not presently being used, or if it is not foreseeable that such property will be used by the said FBO during the term of the lease, then the Commission may modify said lease and make such excess property available to other parties.

b. The Commission will not lease any property to a FBO for a period of less than three years. Further, no lease will be granted by the Commission for a term of more than ten years unless a longer term is necessary because of capital expenditures made by the FBO.

c. Any assignment of an existing lease shall be subject to the approval of the Commission. The proposed assignee of such existing lease must submit an application and qualify in the same manner as an original applicant. Consent to the assumption of an existing lease by the Commission shall not require the Commission to release the original lessor from any obligation or liability under said lease agreement.

d. No FBO shall sublease or sublet any premise leased by said FBO from the Airport Commission without first obtaining the written approval of the Airport Commission, except that a FBO may rent hangar space, outside tiedown space or office space to tenants.

e. All FBOs shall strictly comply with these minimum standards, and these minimum standards shall constitute and be a part of any contract by reference. The Manager shall investigate any apparent violation of the minimum standards or any complaint made by a third party that a FBO is in violation of said standards. The Manager shall promptly report the apparent or alleged violation to the Commission. If the Commission determines that the FBO is in violation of the minimum standards, then the FBO shall be notified in writing of such violation and the FBO shall promptly cure or correct the violation. The Commission may, on its own initiative, cure or correct said violation and charge any expense incurred in connection therewith to the FBO. The failure of the FBO to cure or correct a violation within thirty days of notification by the Commission shall constitute grounds for termination or cancellation of the contract. The Commission, acting with the consent of and through the county, may institute suit in a court of competent jurisdiction to enforce compliance with the minimum standards, to seek damages resulting from said violation to terminate the contract and to seek whatever other relief to which it may be entitled.

f. No structures nor improvements shall be built upon any property owned by the owner without a written contract with the Commission. Such agreement shall provide that any such structures or improvements shall be the property of the owner at the termination of the contract. Plans and specifications must be submitted to the Commission and approved by the Commission prior to the commencement of construction. Any such structures or improvements shall conform to and be built in accordance with the law. Performance bonds commensurate with the value of the construction shall be required.

g. No FBO may make any use of any property except that which is leased to him or, except that property which is available to the general public, and in the latter event, such use of the property by the FBO shall be limited to that allowed to the general public unless provided otherwise by contract.

h. Any contract shall be subject to law and to the terms of the covenants found in the deed from the United States of America to Obion County, Tennessee, dated January 6, 1947 and the provisions of any grant agreements whereby owner receives or received funds for the improvement of the Airport. If any FBO is in violation of the foregoing, then such violation shall be considered to be a violation of the minimum standards. Further, if any contract is in violation

of any of the foregoing, then, the Commission shall have the right to modify or change the contract so that same will be in accordance with the law, covenants and agreements.

- i. Any lease or contract granted by the Commission shall be a public record.
- j. The FBO must be committed and capable of providing high quality aeronautical services to the public throughout the entire period of the contract.
- k. The applicant must have sufficient management experience and available personnel to conduct and propose service or activity in an efficient and workmanlike manner.
- l. The applicant must be financially responsible and able to provide the facilities and services proposed in a high quality manner.
- m. Any aeronautical operator must remove all empty containers or trash from the Airport premises on a daily basis.
- n. The applicant must have or can secure necessary certificates from the FAA or other authority where the same are required for the activity proposed.
- o. The applicant must furnish insurance to protect the property of the owner and to protect and hold the owner and the Commission harmless from any liability in connection with the conduct of the aeronautical activity. An FBO must furnish insurance in the amount of not less than \$1,000,000.00 and the certificate on file in the Manager's Office. The language in this section shall not be construed to impose any liability upon the owner of the Commission for the activities of any FBO. The minimum standards do not create any agency relationship between the owner and/or Commission and any FBO. Each FBO is engaged in his own business, and the owner and the Commission have no interest in same. In all policies, the owner and Commission shall be named as an additional insured and the owner shall be named as a loss payee.

Any requirements for insurance expressed in any other sections shall be in addition to the insurance required under this section if a fair interpretation of such other section can be construed to require additional insurance.
- p. All rates and charges for any and all activities and services shall be reasonable and conform to industry standards and are equally and fairly applied to all users of the services.
- q. Land use maps approved by the Commission to show the present and future FBO's areas on the airport property will be provided and same are hereby made a part of these minimum standards.

r. Contracts between an FBO and the Commission shall be subordinate to the provisions of any existing or future agreements between the owner, the State of Tennessee and the United States, relative to the operation of 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 Airport properties.

s. All FBOs shall insure that taxiways and runways are kept clear of aircraft, vehicles, equipment and chocks.

t. All aircraft and vehicles will be stored or parked in designated areas, clear of taxiways and an adequate distance from the active runways. New areas will be established and utilized as determined by the Commission.

u. FBOs will perform maintenance "runs" of aircraft engines and systems in areas other than the immediate terminal area, taxiways and runways. Operators will not use areas leased to an FBO without that FBO's written consent.

v. FBOs will utilize the airport Unicom system.

w. FBOs will promptly meet and welcome all arriving aircraft which park in the FBO's designated business territory and provide all necessary services and assistance during normal business hours.

x. The conditions and requirements set forth in this section shall be in addition to those conditions and requirements set forth under the section for "STANDARDS FOR VARIOUS AERONAUTICAL ACTIVITIES". Should any language be contradictory, then that language which poses the most stringent requirements or conditions shall control.

SECTION 6. STANDARDS FOR VARIOUS AERONAUTICAL ACTIVITIES.

Each FBO will be subject to the following standards pertaining to each aeronautical activity authorized by the contract:

a. Fuel and Oil Sales. FBOs conducting aviation fuel and oil sales on the Airport shall be required to provide:

(1) Hard surface ramp space accessible by taxiway with electric pumps and tank storage having a capacity equal to the minimum tank truck load deliverable for 100/130 grade aviation fuel and (if public demand requires) standard jet fuel. The FBO must provide the

Commission with delivery tickets of purchased fuel and a monthly report of fuel sales. An FBO must have a fixed tank storage capacity of at least 8,000 gallons capacity for every type of fuel to be sold.

(2) Properly trained line personnel must be on duty during hours of operation as determined by the Airport Commission and stipulated in the FBO's contract, and on call by readily accessible telephone during the day or night.

(3) Each FBO selling fuel should have the proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft, aircraft windows and windshields and for recharging or energizing discharged aircraft batteries and starters.

(4) Adequate towing equipment, parking and tiedown area to safely and efficiently move and store aircraft in all reasonably expected weather conditions must be provided and maintained.

(5) Adequate inventory of at least two brands of generally accepted grades of aviation engine oil and lubricants must be kept.

(6) In conducting refueling operations, the FBO shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and serving aircraft.

(7) Each FBO must comply with the following criteria regarding fuel storage and dispensing facilities:

(A) Provide and maintain a minimum of 8,000 gallons tank storage capacity for each grade of aviation fuel used or required for aircraft use in the airport.

(B) Maintain pumping equipment for each grade of fuel, meeting all applicable safety requirements with reliable metering devices subject to independent inspection, and with a pumping efficiency capable of servicing all aircraft normally used in the airport.

(C) Provide and maintain meter filter - equipped dispensers, fixed or mobile, for dispensing each grade of aviation fuel usually required. Mobile dispensing trucks shall have a 1,000 gallon capacity for each grade of fuel.

(D) Prohibit any fuel transfer except from approved storage tanks.

(E) Provide adequate grounding for all fuel locations to reduce the hazards of static.

(F) Provide adequate fire extinguishers.

(G) Comply with applicable law regarding the storage, sale and use of fuel and petroleum products, particularly 40 CFR Chapter 1 Part 112 (revised as of July 1, 1988) of regulations promulgated by the Environmental Protection Agency and NFPA407, Aircraft Fuel Service of 1980, all of which is incorporated herein by reference. The Commission may from time to time adopt addendums to the minimum standards setting forth pertinent language from the regulations in verbatim form or in paraphrased form.

b. Self-Fueling. Every fixed base operator shall have the right to fuel his own airplanes subject to the following conditions:

(1) No fueling of aircraft inside the hangars, no self-fueling of aircraft if not a FBO. no fuel containers, except fuel in aircraft fuel tanks, inside the hangars at any time.

(2) Fixed base operator must comply with applicable law regarding the storage, sale and use of fuel and petroleum products, particularly including 40 CFR Chapter 1, Part 112 (revised as of July 1, 1988) of regulations promulgated by the Environmental Protection Agency and NFPA407, Aircraft Fuel Service of 1980, all of which is incorporated herein by reference. The Commission may from time to time adopt addendums to the minimum standards setting forth pertinent language from the regulations in verbatim form or in paragraphed form.

(3) For the use of airport facilities, the FBO which has the contractual use of the airport's fuel tanks, pumps, fuel truck and terminal building office space shall pay a minimum of 10 cents per gallon of aviation fuel dispensed per month. The exact amount will be fixed in the FBO's contract. All other FBO's shall pay to the Commission on a monthly basis a minimum of 5 cents for each gallon of fuel used by the operator. Payments under this paragraph shall be paid no later than the tenth day of each calendar month.

In-lieu-of the five cents (5¢) a gallon, the operator may elect to pay \$25.00 per day or any part of that day. Payments will be made no later than the tenth of each month.

(4) The Commission shall designate an area for the fixed base operator to refuel his plane and/or construct his storage facilities, provided, however, such fixed base operator must first have the written approval of the Commission of all plans and specifications for the construction of said storage facilities, and such shall comply in all respects with applicable law and the rules and regulations adopted herein.

(5) As an alternative to constructing said storage facilities, fuel may be disbursed through a vehicle designed for the containment and dispensing of said fuel so long as the vehicle and the method of dispensing meets the criteria established under the rules and regulations adopted herein.

(6) The FBO must provide the Commission with delivery tickets of purchase of fuel and a monthly report of fuel consumption.

c. Aircraft Engine and Accessory Maintenance. All persons operating aircraft engine and accessory maintenance facilities shall provide:

(1) Sufficient hangar space to house any aircraft upon which such service is being performed.

(2) Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance have been completed.

(3) Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair or parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.

(4) At least one FAA certified air frame and engine mechanic available during eight hours of the day, five days per week, with personnel on call during other times.

(5) Facilities for washing and cleaning aircraft.

(6) Storage for aircraft undergoing repair. Only a General FBO will be allowed to store aircraft for salvage operations. Any aircraft undergoing repair, and to be in a non-airworthy condition in excess of 30 days, shall be screened from public view.

(7) Separately partitionable space with adequate exhaust fans and fire protection for spray painting (if this type work is performed).

d. Flight Training. All persons conducting flight training activities shall provide:

(1) At least one full-time properly certified flight instructor for single engine airplanes, available to instruct as needed.

(2) At least one single engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.

(3) Adequate classroom space for at least 10 students with proper restroom and seating facilities.

(4) Adequate mock ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.

(5) Properly certificated ground school instructor providing regularly scheduled ground school instructions sufficient to enable students to pass the FAA written examinations for private pilot and commercial ratings.

(6) Continuing ability to meet certification requirements of the FAA for the flight training proposed.

e. Aircraft Charter and Taxi Service. Persons operating aircraft charter and taxi service shall provide:

(1) Proof that all operations proposed or conducted under this section shall be conducted in compliance with F.A.R. Parts 121 and/or 135.

(2) Passenger lounge, clean restroom, telephone facilities and temporary baggage storage for their customers (unless provided by the Commission).

(3) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, handling of luggage (for air taxi services).

(4) Properly certified suitable aircraft with properly certified and qualified operating crew, available and ready for departure during daily operation and at other times, with standby units and crews available upon call within two hours notice.

(5) Passenger liability insurance of at least \$1,000,000.00 per passenger seat, \$1,000,000.00 per occurrence and property damage liability of at least \$1,000,000.00 or greater, if required by the Federal government.

f. Aircraft Rental and Sales. Persons conducting aircraft rental and sales activity shall provide:

(1) Suitable office space for consummating sales and/or rental and the keeping of the proper records in connection thereof.

(2) Hangar rental space for at least one aircraft to be used for sales or rental.

(3) For rental, at least one airworthy aircraft suitably maintained and certified.

(4) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators for such service and repair.

(5) During normal working availability of a properly certified pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.

(6) A minimum stock of expendable spare parts, or adequate arrangements for securing spare parts, required for the type of aircraft and models sold.

(7) Current specifications and price lists for types and models of new aircraft sold.

(8) Proper checklists and operating manuals on all aircraft rented or sold and adequate parts catalogue and service manual on new aircraft sold.

g. Cropdusting and Spraying. Persons conducting cropdusting or spraying of agricultural chemicals shall be required to continuously satisfy the Airport Commission that:

(1) Suitable arrangements have been provided for the safe storage and containment of noxious chemical material. No poisonous or inflammable materials shall be kept or stored in violation of local, state or federal fire or safety regulations and statutes.

(2) The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.

(3) The operator shall make suitable arrangements for servicing the aircraft with adequate safeguards against spillage on runways and other Airport property or disbursement of chemicals by wind to other operations areas on the Airport.

(4) Operator has insurance in an amount not less than \$1,000,000.00 per occurrence to pay for cleanup and environmental damage caused by accidents, mishaps or otherwise.

(5) The operator must observe standard published traffic patterns at this airport at all times. Cropdusters are permitted to make right hand turns if they have a radio to monitor and transmit on the unicom frequency. Cropdusters must give right-of-way to left hand traffic.

(6) Aerial Applicators shall pay the airport \$25.00 per day (or any part thereof) on a daily basis in which he is engaged in aerial application. Payment must be made on a daily basis.

SECTION 7. PARACHUTE ACTIVITY. Anyone wanting to conduct parachuting activities on any of the Airport property must have prior written consent of the Commission and abide by the restrictions and/or fees imposed by the Commission and provide the necessary insurance certificates to the Airport Manager's office.

SECTION 8. COMBINATION ACTIVITIES. An FBO conducting a combination of the various aeronautical activities listed herein shall not be required to duplicate the requirements of the individual activities, but where the requirement of one activity is sufficient to meet the requirement of a separate activity to be conducted, the one facility shall be sufficient to meet both requirements.

SECTION 9. MAINTENANCE/MANAGEMENT AGREEMENT. Nothing contained herein shall be construed as to limit the right of the Commission to contract with an FBO to perform any duties normally performed by the Manager. In such event, space appropriate to the performance of these duties will be provided to the FBO.

SECTION 10. EFFECTIVE DATE. The minimum standards shall become effective upon the approval of the Commission and by the Legislative Body of Obion County, Tennessee, and shall supersede any prior minimum standards in existence at the airport.

APPROVED this 20 day of March, ~~2005~~ ²⁰⁰⁶

ATTEST:

**OBION COUNTY LEGISLATIVE BODY
OF OBION COUNTY, TENNESSEE**

BY: *Taylor R. Long*
County Mayor

BY: *Vallie Boehm*
County Clerk

**EVERETT STEWART AIRPORT
COMMISSION**

BY: *Allen C. Hoarling*
Chairman

BY: *Al Howell*
Manager