

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 78

MINIMUM STANDARDS

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METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 78

An ordinance to serve the public interest, convenience and necessity; and to promote the efficient, safe and economical handling of air commerce; and to develop the full potentiality of the metropolitan area in this state as an aviation center by specifying minimum standards and requirements for Aeronautical Commercial Operations and related activities at the intermediate and minor use public airports under the operation, direction and control of the Metropolitan Airports Commission, and prescribing the penalties for the violation thereof.

The Metropolitan Airports Commission does ordain:

SECTION 1. DEFINITIONS

The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

- 1.1 Aerial Spraying or Dusting. An Aeronautical Commercial Operation in which a Person is engaged in applying or offering to apply chemicals or other substances from an aircraft.
- 1.2 Aeronautical Commercial Operation. Any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received; including, but not limited to the servicing, maintaining and repairing of aircraft, the rental or charter of aircraft, the operation of flight or ground schools, the operation of aircraft for the application or distribution of chemicals or other substances, aerial photography or surveys, air shows or expositions, and the operation of aircraft for fishing. An "Aeronautical Commercial Operation" also includes brokering or selling of any of the aforesaid services but does not include any operation of aircraft as common carriers certificated by the Federal Government or the services incidental thereto.
- 1.3 Aircraft Charter. An Aeronautical Commercial Operation in which a Person is engaged in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis or as an air taxi person, as defined by F.A.R. Part 135.

- 1.4 Aircraft Parts and Supplies Sales. An Aeronautical Commercial Operation in which a Person is engaged in the sale of parts and supplies.
- 1.5 Aircraft Rental or Leasing. An Aeronautical Commercial Operation in which any Person rents or leases aircraft or offers to rent or lease aircraft for hire or compensation.
- 1.6 Aircraft Sales. An Aeronautical Commercial Operation in which a Person is engaged in the sale of new or used aircraft and who provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold.
- 1.7 Aircraft Servicing, Maintaining, and Repairing. An Aeronautical Commercial Operation in which any Person who, for compensation or for hire, provides or offers to provide aircraft maintenance as defined in F.A.R. Part 1.
- 1.8 Airport. Any Intermediate Use or Minor Use public airport now or in the future owned in whole or in part by and under the supervision, operation, direction and control of the Metropolitan Airports Commission. Such Intermediate Use and Minor Use Airports presently include St. Paul Downtown Airport-Holman Field in Ramsey County, Flying Cloud Field and Crystal Airport in Hennepin County, Anoka County/Blaine Airport in Anoka County, Lake Elmo Airport in Washington County, and Airlake Airport in Dakota County.
- 1.9 Auto Lot. An area of land covered with a concrete or asphalt surface suitable for the parking of automobiles, or at a minimum, an area of land designed with a combination of class 5 rock overlaid with a layer of class 1 rock which is suitable for the designated parking of automobiles.
- 1.10 Avionics. An Aeronautical Commercial Operation in which a radio and instrument repair station Person is engaged in the activity of providing a service shop for the repair of aircraft radios, propellers, instruments, and accessories for general aviation aircraft.
- 1.11 Commission. The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1943 and amendments thereto.
- 1.12 Complementary Operations. Those Aeronautical Commercial Operations that offer more than one type of operation and can be conducted within the same area without interfering with one another. The operations that are complementary are: (a) Aircraft Parts and Supplies Sales and any of the other commercial operation categories in the Ordinance; (b) Aircraft Servicing, Maintaining, and Repairing and Avionics; (c) Aircraft Sales and Aircraft Rental or Leasing; (d) Specialized

Commercial Flight Services and Aircraft Charter; and (e) Flight Training and Aircraft Rental or Leasing.

- 1.13 Compounding Operations. Those Aeronautical Commercial Operations that exist when two or more operations are combined in one commercial operation, other than those combinations defined as complementary, and which require a separate space to support the different operations.
- 1.14 Director of Airports. The Administrative Officer and, for purposes of this Ordinance, the agent of the Metropolitan Airports Commission, in charge of the Airport.
- 1.15 F.A.A. Federal Aviation Administration.
- 1.16 F.A.R. Federal Aviation Regulations.
- 1.17 F.A.R. Part 1. 14 C.F.R. § 1 "Definitions and abbreviations," (or as may be amended or replaced from time to time).
- 1.18 F.A.R. Part 43. 14 C.F.R. § 43.2, et seq. "Maintenance, preventative maintenance, rebuilding and alterations," (or as may be amended or replaced from time to time).
- 1.19 F.A.R. Part 61. 14 C.F.R. § 61.1, et seq. "Certification: pilots and flight instructors," (or as may be amended or replaced from time to time).
- 1.20 F.A.R. Part 135. 14 C.F.R. § 135.1, et seq. "Air taxi operators and commercial operators," (or as may be amended or replaced from time to time).
- 1.21 F.A.R. Part 137. 14 C.F.R. § 137.1, et seq. "Agricultural aircraft operations," (or as may be amended or replaced from time to time).
- 1.22 Flight Training. An Aeronautical Commercial Operation in which a Person is engaged in giving or offering to give dual flight instruction leading to a pilot's certificate or rating or giving or offering to give solo flight instruction leading to a pilot's certificate or rating for hire or compensation, or advertising, representing, or holding himself/herself out as giving or offering to give such instruction.
- 1.23 Full Service Commercial Operation. An Aeronautical Commercial Operation which offers, at a minimum, repair of aircraft, storage of aircraft, fueling and lubrication of aircraft, line service and parking for transient aircraft. In addition the following services may be offered if approved by the Commission: the sale of aircraft, sale of parts and accessories incidental to aircraft, sale of flight and ground

instruction, flying for charter or for hire, aircraft rental, and others.

- 1.24 Hangar. A building that houses aircraft.
- 1.25 Intermediate Use Airport. An airport with runway ranging from 5,001 feet to 8,000 feet designed to service commuter, air taxi, corporate, general aviation, flight training, personal use, and military persons. For purposes of this Ordinance, St. Paul Downtown Airport is an Intermediate Use Airport.
- 1.26 Legal Non-Conforming Use. A use or structure, the size, dimension, location, or existence of which was lawful prior to the adoption of this Ordinance, but which fails to conform to the Minimum Standards of the Airport in which it is located by reasons of such adoption, and is declared to nonetheless be legal under certain conditions. For purposes of this definition; a structure includes auto lot, ramp, and tie-down parking areas, and buildings such as hangars, offices, and bathrooms.
- 1.27 Minimum Standards. The qualifications established by the Commission and amended from time to time by the Commission, as the minimum requirements to be met as a condition for the right to conduct Aeronautical Commercial Operations on the Airport.
- 1.28 Minor Use Airport. An airport with runway ranging from 2,500 feet to 5,000 feet designed to serve air taxi, business, general aviation, flight training, personal use, and military persons. For purposes of this Ordinance, Anoka County/Blaine, Airlake, Crystal, Flying Cloud and Lake Elmo Airports are Minor Use Airports.
- 1.29 Person. An individual, firm, general or limited partnership, corporation, trust, association, or any other organization leasing, making application for, or using any land or facility at the Airport with the intention of conducting Aeronautical Commercial Operations or activities.
- 1.30 Ramp. A paved area designed to provide a temporary parking area for aircraft.
- 1.31 Reliever Airports Staff Lease Committee. A committee of staff members of the Commission that represents various departments of the Commission, and includes the Director of Airports and the Manager of Reliever Airports. The function of this committee is to review requests concerning the Reliever Airports of the Commission.
- 1.32 Specialized Commercial Flight Services. An Aeronautical Commercial Operation in which the Person engages in

specialized commercial air activities, including but not limited to, banner-to-wing and aerial advertising, aerial photographs or survey, fire fighting or patrol.

1.33 Tie-Down. An area designated for the securing of unhangared aircraft.

1.34 Variance. Any modification of the literal requirements of this Ordinance granted when strict enforcement of this Ordinance would result in practical difficulty or unnecessary hardship, and would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the Ordinance. Any Variance may be limited to the uses permitted by the applicable lease, and other reasonable conditions deemed necessary to effectuate the purposes of the Ordinance. There are two categories of variances:

a. Structural Variance. A Structural Variance generally concerns auto lot, ramp, and tie-down parking areas, and hangar, office, and bathroom building areas, and runs with the land.

b. Use Variance. A Use Variance generally concerns personnel and equipment requirements, hours of operation, and other requirements concerning the use of the property.

SECTION 2. ADMINISTRATION AND POLICY OVERSIGHT

Administration of the terms of this Ordinance shall be by the Director of Airports and staff of the Commission. Policy-making aspects of this Ordinance shall be performed by the Commission with ultimate authority residing in the Commission.

SECTION 3. REQUIREMENT TO MEET MINIMUM STANDARDS

3.1 Minimum Standards.

No Person shall be permitted to use any Airport property or conduct any Aeronautical Commercial Operation or solicit business in connection therewith, unless such activity is conducted in accordance with the Minimum Standards established in the Ordinance, or is permitted under Section 8 or 9, and such Person has a valid contract, lease, license, or other agreement to conduct such activities with the Commission.

3.2 Applicable Standards.

If a Person proposes to conduct an Aeronautical Commercial Operation that is not described in this Ordinance, the Director of Airports shall determine which category of standards shall be applied to the proposal.

3.3 Contiguous Lots.

In order to establish compliance with this Ordinance, the square footage (sq. ft.) must affect one or more contiguous lots.

3.4 Clear-Span Hangar.

In order to establish compliance with the hangar requirements of this Ordinance, 70% of the Hangar area must be clear-span hangar.

3.5 Tie-Down Area Requirements.

To determine whether an Aeronautical Commercial Operation meets the Tie-Down area requirements in Section 5 and Section 6, an Aeronautical Commercial Operation may use existing Hangar area in excess of the applicable Hangar area requirement to meet the Tie-Down area requirement for that operation.

SECTION 4. PLAN REVIEW

Persons seeking to conduct Aeronautical Commercial Operations or actually conducting such operations at the Airport shall not proceed with any construction or remodeling without first obtaining advance written approval of plans and specifications from the Director of Airports. Such construction or remodeling must meet the requirements of this Ordinance and any applicable lease requirements.

SECTION 5. MINIMUM STANDARDS FOR MINOR USE AIRPORTS

5.1 AERIAL SPRAYING OR DUSTING

The following Minimum Standards are required for an Aerial Spraying or Dusting operation:

a. Facility Requirements

A minimum of 14,400 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aerial Spraying or Dusting operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes) (Loading area for chemicals must be marked or protected from public access)
(c) Tie-Down	<u>None</u>
Subtotal	9,000 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft. (A 400 sq. ft. segregated chemical storage area protected from public access meeting applicable fire code)
(b) Office	<u>400</u> sq. ft.
Subtotal	5,400 sq. ft.
TOTAL	14,400 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall provide a person holding a current F.A.A. commercial certificate properly rated for the aircraft by F.A.A. with ratings appropriate for work being performed in compliance with F.A.R. Part 43.

c. Equipment

1. Each operation shall have at least one aircraft which will be airworthy, meeting all the requirements of F.A.R. Part 137 of F.A.A. regulations and applicable regulations of the state.

2. Each operation shall maintain a chemical loader in proper working order.
- d. Hours of Operation
- Each operation shall be open and services available a minimum of forty hours per week.
- e. Dispensing of Material
- No Persons may dispense or cause to be dispensed any material or substance in a manner that creates a hazard to persons or property.
- f. Storage and Containment
- All chemicals and materials shall be contained in the manner prescribed by local, state and federal regulations. No poisonous or flammable materials shall be kept or stored in close proximity to other facility installations at the Airport.
- g. Spillage
- A Person's aircraft shall be serviced, repaired, stored, and parked using adequate safeguards to prevent spillage on runways and taxiways or pollution or dispersal of chemicals or materials by wind to other operational areas of the Airport. In the event of the spillage or leakage of a chemical or other substance, the Director of Airports shall be notified immediately.

5.2 AIRCRAFT CHARTER

The following Minimum Standards are required for an Aircraft Charter operation:

a. Facility Requirements

A minimum of 16,800 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Charter operation.

1. Parking Area:

(a) Auto Lot	4,400 sq. ft. (12 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 11,400 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.
Subtotal	5,400 sq. ft.
TOTAL	16,800 sq. ft.

3. Bathrooms:

Bathrooms must comply with the local code.

4. Telephone:

Each operation shall have:

At least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

A prominently displayed phone number where an authorized representative of the operation can be reached 24 hours a day to discuss operational problems.

b. Personnel

The office must be staffed by an individual thoroughly familiar with F.A.R. Part 135. Pilots must be properly certified for the type of F.A.R. Part 135 operation performed.

c. Equipment

Each operation shall have available two (2) aircraft which will be certificated and airworthy, meeting all the requirements of F.A.R. Part 135.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.3 AIRCRAFT RENTAL OR LEASING

The following Minimum Standards are required for an Aircraft Rental or Leasing operation:

a. Facility Requirements

A minimum of 17,100 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Rental or Leasing operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>2,700</u> sq. ft. (2 planes)
Subtotal	11,700 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.
Subtotal	5,400 sq. ft.
TOTAL	17,100 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff one person having a current commercial certified flight instructor rating.

c. Equipment

Each operation shall have available at least four (4) aircraft for rental, either owned or under written lease, of which at least two (2) are four-seat single-engine aircraft, and one (1) is an instrument-rated aircraft, all of which must be certificated and currently airworthy.

d. Hours of Operation

Each operation shall be open a minimum of forty hours per week.

5.4 AIRCRAFT PARTS AND SUPPLIES SALES

The following Minimum Standards are required for an Aircraft Parts and Supplies operation:

a. Facility Requirements

A minimum of 14,400 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Parts and Supplies operation.

1. Parking area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 9,000 sq. ft.

2. Building area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 5,400 sq. ft.

TOTAL 14,400 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

One person shall be on duty during business hours.

c. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.5 AIRCRAFT SALES

The following Minimum Standards are required for an Aircraft Sales operation:

a. Facility Requirements

A minimum of 17,100 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Sales operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>2,700</u> sq. ft. (2 planes)

Subtotal 11,700 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 5,400 sq. ft.

TOTAL 17,100 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff one person having a current private pilot certificate in compliance with F.A.R. Part 61, with a rating appropriate for the types of aircraft to be demonstrated.

c. Dealership

A new aircraft dealer shall hold an authorized factory or subdealership. All aircraft dealers shall hold a dealership license or permit if required by the State of Minnesota.

d. Equipment

A dealer shall have available or on call four aircraft available for sale.

e. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.6 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING

The following Minimum Standards are required for an Aircraft Servicing, Maintaining, and Repairing operation:

a. Facility Requirements

A minimum of 19,800 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Servicing, Maintaining and Repairing operation.

1. Parking area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>5,400</u> sq. ft. (4 planes)

Subtotal 14,400 sq. ft.

2. Building area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 5,400 sq. ft.

TOTAL 19,800 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have:

At least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

A prominently displayed phone number where an authorized representative of the operation can be reached 24 hours a day to discuss operational problems.

b. Personnel

Each operation shall staff one person currently certified by the F.A.A. with ratings appropriate for work being performed in compliance with F.A.R. Part 43.

c. Equipment

Each operation shall have sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.7 AVIONICS

The following Minimum Standards are required for an Avionics operation:

a. Facility Requirements

A minimum of 17,100 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Avionics operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>2,700</u> sq. ft. (2 planes)
Subtotal	11,700 sq. ft.

2.	Building Area:	
	(a) Hangar	5,000 sq. ft.
	(b) Office	<u>400</u> sq. ft.
	Subtotal	5,400 sq. ft.
	TOTAL	17,100 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff one person who is currently certified by F.A.A. as a radio and/or instrument repairman, with a general class radio/telephone license.

c. Equipment

Each operation shall have sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.8 FLIGHT TRAINING

The following Minimum Standards are required for a Flight Training operation:

a. Facility Requirements

A minimum of 18,750 square feet (sq. ft.) of land is needed to contain the required parking and building area of a Flight Training operation.

1. Parking Area:

(a) Auto Lot	3,000 sq. ft. (8 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>2,700</u> sq. ft. (2 planes)

Subtotal 12,700 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft.
(b) Office	400 sq. ft.
(c) Classrooms	450 sq. ft.

(if on-site
instruction is
provided)

(d) Manager and Debriefing	<u>200</u> sq. ft.
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Subtotal 6,050 sq. ft.

TOTAL 18,750 sq. ft.

3. Bathrooms:

Bathrooms must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff at least two people on duty, at least one of whom is F.A.R. Part 61 certified to provide the type of instruction offered.

c. Equipment

Each school shall have available for use in Flight Training, either owned or under written lease agreement, not less than four (4) certificated airworthy aircraft, one of which must be a four-seat and one of which must be equipped for and capable of instrument flight.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

5.9 FULL SERVICE COMMERCIAL OPERATION

The following Minimum Standards are required for a Full Service Commercial Operation:

a. Facility Requirements

A minimum of 52,700 square feet (sq. ft.) of land is needed to contain the required parking and building area of a Full Service Commercial Operation.

1. Parking Area:

(a) Auto Lot	6,000 sq. ft. (16 stalls)
(b) Ramp	36,000 sq. ft.
(c) Tie-Down	<u>None</u>

Subtotal 42,000 sq.ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>700</u> sq. ft.

Subtotal 10,700 sq. ft.

TOTAL 52,700 sq. ft.

3. Bathrooms:

Bathrooms must comply with the local code.

4. Telephone:

Each operation must have:

At least one private business line with the telephone number appropriately listed in the local directory published by the telephone company.

At least one telephone at all self-service fueling facilities in case of emergencies or operational problems.

A prominently displayed phone number where an authorized representative of the operation can be

reached 24 hours a day to discuss operational problems.

b. Personnel

1. Full Service

One person properly trained in fueling operations shall be on duty during operating hours.

2. Self-Service

All persons utilizing the self-service facilities shall be properly trained by a qualified representative of a Full Service Operation prior to having access to the self-service system.

c. Equipment

1. Each operation shall have a minimum of one 10,000 gallon tank per fuel grade that must maintain required safety and environment standards according to the National Fire Protection Association (NFPA) and federal, state and local codes, laws, rules and regulations now and hereinafter enacted.

2. If the Full Service Commercial Operation provides services in addition to repair of aircraft, storage of aircraft, fueling and lubrication of aircraft, line service and parking for transient aircraft, then the operation must also meet the minimum equipment standard for each additional service, such as Aircraft Sales, that is offered. The maximum number of aircraft required to meet this equipment requirement is four (4).

d. Hours of Operation

Each operation shall be open and services available a minimum of eight hours per day, six days a week.

5.10 SPECIALIZED COMMERCIAL FLIGHT SERVICES

The following Minimum Standards are required for a Specialized Commercial Flight Services operation:

a. Facility Requirements

A minimum of 14,400 square feet (sq. ft.) of land is needed to contain the required parking and building area for any Specialized Commercial Flight operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	7,000 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 9,000 sq. ft.

2. Building Area:

(a) Hangar	5,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 5,400 sq. ft.

TOTAL 14,400 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff at least one pilot with a current commercial certificate by the F.A.A. who is appropriately rated to conduct the Specialized Flight Service offered.

c. Equipment

Each operation shall have one (1) aircraft which is certificated and airworthy for the Specialized Flight Service offered.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

SECTION 6 - MINIMUM STANDARDS FOR INTERMEDIATE AIRPORTS

6.1 AIRCRAFT CHARTER

The following Minimum Standards are required for an Aircraft Charter operation:

a. Facility Requirements

A minimum of 29,650 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Charter operation.

1. Parking Area:

(a) Auto Lot	5,600 sq. ft. (12 stalls)
(b) Ramp	13,650 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>
Subtotal	19,250 sq. ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>400</u> sq. ft.
Subtotal	10,400 sq. ft.
TOTAL	29,650 sq. ft.

3. Bathrooms:

Bathrooms must comply with the local codes.

4. Telephone:

At least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

A prominently displayed phone number where an authorized representative of the operation can be reached 24 hours a day to discuss operational problems.

b. Personnel

The office must be staffed by an individual thoroughly familiar with F.A.R. Part 135 operations. Pilots must be properly certified for the type of F.A.R. Part 135 operation performed.

c. Equipment

Each operation shall have available three (3) aircraft, which will be certificated and airworthy, meeting all the requirements of F.A.R. Part 135.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

6.2 AIRCRAFT PARTS AND SUPPLIES SALES

The following Minimum Standards are required for an Aircraft Parts and Supplies Sales operation:

a. Facility Requirements

A minimum of 26,050 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Parts and Supplies Sales operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	13,650 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 15,650 sq. ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 10,400 sq. ft.

TOTAL 26,050 sq. ft.

3. Bathroom:

Bathrooms must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall have one person on duty during business hours.

c. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

6.3 AIRCRAFT SALES

The following Minimum Standards are required for an Aircraft Sales operation:

a. Facility Requirements

A minimum of 26,050 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Sales operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	13,650 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 15,650 sq. ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 10,400 sq. ft.

TOTAL 26,050 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall have one (1) person with a current private pilot certificate in compliance with F.A.R. Part 61, with a rating appropriate for the types of aircraft to be demonstrated or sold.

c. Dealership

A new aircraft dealer shall hold an authorized factory or subdealership. All Persons operating an Aircraft Sales operation shall hold a dealership license or permit if required by the State of Minnesota.

d. Equipment

A Person shall have available or on call four (4) aircraft available for sale.

e. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

6.4 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING

The following Minimum Standards are required for an Aircraft Servicing, Maintaining and Repairing operation:

a. Facility Requirements

A minimum of 26,050 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Aircraft Servicing, Maintaining and Repairing operation.

1. Parking Area:

(a) Auto Lot	2,000 sq. ft. (4 stalls)
(b) Ramp	13,650 sq. ft. (2 planes)
(c) Tie-Down	<u>None</u>

Subtotal 15,650 sq. ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>400</u> sq. ft.

Subtotal 10,400 sq. ft.

TOTAL 26,050 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

At least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

A prominently displayed phone number where an authorized representative of the operation can be reached 24 hours a day to discuss operational problems.

b. Personnel

Each operation shall staff one person currently certified by the F.A.A. with ratings appropriate for work being performed in compliance with F.A.R. Part 43.

c. Equipment

Each operation shall have sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

6.5 AVIONICS

The following Minimum Standards are required for an Avionics operation:

a. Facility Requirements

A minimum of 26,050 square feet (sq. ft.) of land is needed to contain the required parking and building area of an Avionics operation.

1. Parking Area:

- | | |
|--------------|---------------------------|
| (a) Auto Lot | 2,000 sq. ft. (4 stalls) |
| (b) Ramp | 13,650 sq. ft. (2 planes) |

(c) Tie-Down	<u>None</u>
Subtotal	15,650 sq. ft.

2. Building Area:

(a) Hangar	10,000 sq. ft.
(b) Office	<u>400</u> sq. ft.
Subtotal	10,400 sq. ft.
TOTAL	26,050 sq. ft.

3. Bathroom:

Bathroom must comply with the local code.

4. Telephone:

Each operation shall have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

b. Personnel

Each operation shall staff a person who is currently certified by the F.A.A. as a radio and/or an instrument repairman, with a general class radio/telephone license.

c. Equipment

Each operation shall have sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

d. Hours of Operation

Each operation shall be open and services available a minimum of forty hours per week.

6.6 FULL SERVICE COMMERCIAL OPERATION

The following Minimum Standards are required for a Full Service Commercial Operation:

a. Facility Requirements

A minimum of 138,050 square feet (sq. ft.) of land is needed to contain the required parking and building area of a Full Service Commercial Operation.

1. Parking Area:

(a) Auto Lot	11,200 sq. ft. (32 stalls)
(b) Ramp	105,000 sq. ft.
(c) Tie-Down	<u>None</u>

Subtotal 116,200 sq. ft.

2. Building Area:

(a) Hangar	20,000 sq. ft. (8 aircraft)
(b) Office	<u>1,850</u> sq. ft.

Subtotal 21,850 sq. ft.

TOTAL 138,050 sq. ft.

3. Bathrooms:

Bathrooms must comply with the local code.

4. Telephone:

Each Full Service Commercial Operation must have:

At least one private business telephone line, with the number appropriately listed in the local directory published by the telephone company.

At least one telephone at all self-service fueling facilities in case of emergencies or operational problems.

A prominently displayed phone number where an authorized representative of the operation can be reached 24 hours a day to discuss operational problems.

b. Personnel

1. Full Service

One person properly trained in fueling operations shall be on duty during operating hours.

2. Self-Service

All Persons utilizing the self-service facilities shall be properly trained by a qualified representative of a Full Service Commercial Operation prior to having access to the self-service system, according to the Commission's self-service fueling policy.

c. Equipment

1. Each operation must have a minimum of one 10,000 gallon tank per fuel grade. Each Person must maintain the required safety and environment standards according to the National Fire Protection Association (NFPA) and federal, state and local codes, laws, rules, or regulations, now or hereinafter enacted.
2. If the Full Service Commercial Operation provides services in addition to repair of aircraft, storage of aircraft, fueling and lubrication of aircraft, line service and parking for transient aircraft, then the operation must also meet the minimum equipment standard for each additional service, such as Aircraft Sales, that is offered. The maximum number of aircraft required to meet this equipment requirement is four (4).

d. Hours of Operation

Each operation shall be open and services available a minimum of eight hours per day, six days a week.

SECTION 7. COMPLEMENTARY AND COMPOUNDING OPERATIONS

7.1 COMPLEMENTARY OPERATIONS

Each Person that proposes to offer more than one type of operation listed in Section 5 or Section 6, must meet the highest standard of any single operation proposed if the proposed operations are complementary. The following operations are complementary:

- a. Aircraft Parts and Supplies Sales and any of the other commercial operation categories in the Ordinance.
- b. Aircraft Servicing, Maintaining and Repairing and Avionics.
- c. Aircraft Sales and Aircraft Rental or Leasing.

- d. Specialized Commercial Flight Services and Aircraft Charter.
- e. Flight Training and Aircraft Rental or Leasing.

7.2 COMPOUNDING OPERATIONS

A Person that proposes to offer Compounding Operations must meet the Minimum Standards, except for the standards for bathroom areas, for each of the operations proposed. Any combination of operations other than the Complementary Operations listed in 7.1 are considered Compounding Operations.

7.3 MAXIMUM STANDARD

If any Person proposes to offer three or more operations, two of which are Complementary Operations and one or more which is considered a Compounding Operation, the Person must meet the highest standard of one of the Complementary Operations and in addition, must meet the standard of the Compounding Operation(s). The maximum standard that any Person will be required to meet for any combination of operations is the standard set forth for a Full Service Commercial Operation.

SECTION 8. LEGAL NON-CONFORMING USES

8.1 DETERMINATION

Within sixty days of adoption of this Ordinance, the Director of Airports shall determine which Aeronautical Commercial Operations in existence prior to the enactment of this Ordinance do not conform to the Minimum Standards set forth in this Ordinance, and shall inform Persons controlling such operations that these non-conforming uses may continue as Legal Non-Conforming Uses until the expiration of the current lease terms, or for ninety days if the current lease is on a month to month term, except as provided in this Section.

8.2 SAFETY COMPLIANCE

Legal Non-Conforming Use status shall not be granted to Persons for ramp, tie-down, fueling, chemicals, and maintenance equipment non-compliance, or other safety elements, for a period longer than three years from the date of notification of noncompliance or until the expiration of the current lease term, whichever is shorter.

8.3 TERMINATION OF USES

Any Legal Non-Conforming Use status shall terminate prior to the expiration of the current lease term or such shorter time established by Section 8.2 upon the occurrence of any of the following:

- a. Failure to operate the commercial operation for a period of 60 continuous days for reasons other than substantial damage or destruction of the leasehold improvements; or
- b. Any material change in the type, size, or character of the authorized uses of the commercial operation; or
- c. Substantial damage to the leasehold improvements; or
- d. Substantial new construction or remodeling of the leasehold improvements, other than approved improvements made in the course of a plan to comply with the Ordinance prior to expiration of a current lease term.

8.4 "SUBSTANTIAL"

For purposes of Sections 8 and 9, "substantial" is \$10,000 or 25% of the value of the leasehold improvements, whichever is less.

8.5 TRANSFERABILITY OF LEGAL NON-CONFORMING USE STATUS

The ownership of a commercial operation may change without affecting the Legal Non-Conforming Use status, as established by Section 8.

SECTION 9. VARIANCES

9.1 REQUEST FOR VARIANCE

Any Person desiring to use Airport property contrary to the standards set forth herein may apply to the Director of Airports for a Variance from the standards. Such request must be submitted in writing to the Reliever Airports Staff Lease Committee and shall state the specific elements of the standards for which a Variance is requested and the reasons in support of such request.

9.2 NOTICE

Upon receipt of a request for a Variance, the Reliever Airports Staff Lease Committee shall mail a written notice to all commercial operators of the affected Airport, and to storage hangar lessees located within 500 feet of the Aeronautical Commercial Operation that submitted the request. The notice shall contain a meeting date, time, and location at which the Reliever Airports Staff Lease Committee shall hold a hearing to review the request. Such notice shall be mailed at least five (5) working days in advance of the scheduled meeting. In addition, a meeting agenda listing the time, place and the matters to be discussed shall be posted on Commission bulletin boards at least five (5) working days in advance of such meeting.

9.3 RESPONSE

- a. The Reliever Airports Staff Lease Committee shall forward a recommendation to the Director of Airports regarding the request for a Variance. The Director of Airports shall respond, in writing, within sixty (60) days of the Reliever Airports Staff Lease Committee's receipt of the request for a Variance and shall either approve the request, deny the request, or request more information.
- b. If no response is received from the Director of Airports within the sixty (60) day period described above, the request shall be deemed to have been denied.
- c. Once a request for a Variance has been approved or denied, no Person shall submit another request for the same Variance for the same property until the expiration of one year.

9.4 STANDARD OF APPROVAL OR DENIAL

- a. The Director of Airports shall approve a request for a Variance where a literal application or enforcement of the standards would result in practical difficulty or unnecessary hardship and the Variance would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the standards; provided, that the Director of Airports may allow such Variance subject to any reasonable conditions he/she may deem necessary to effectuate the purposes of Minn. Stat. § 473.601, et seq.
- b. In approving a request for a Variance, the Director of Airports may issue either a Use Variance or a Structural

Variance. The Director of Airports shall specify the length of time applicable to each Variance, along with any other conditions established under 9.4, a., above.

9.5 TERMINATION OF VARIANCE

Any Variance shall terminate upon the occurrence of any of the following events:

- a. Substantial damage to the leasehold improvements; or
- b. Substantial new construction or remodeling of the leasehold improvements; or
- c. Failure to operate the commercial operation for a period of sixty (60) continuous days for reasons other than substantial damage or destruction of the leasehold improvements; or
- d. Any material change in the type, size, or character of the authorized uses of the commercial operation; or
- e. Violation of any of the conditions placed on a Variance by the Director of Airports under 9.4, a., above.

SECTION 10. APPEALS

10.1 REQUEST FOR APPEAL

A Person may appeal a decision of the Director of Airports under Section 8 or 9 to the Management and Operations Committee. Any such appeals must be taken within ninety days of the decision by the Director of Airports, by filing with the Management and Operations Committee secretary a written request for appeal specifying the grounds thereof.

10.2 STAY

The receipt of a request for an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of Airports certifies in writing to the Management and Operations Committee, after the notice of appeal has been filed with it, that by reason of the facts stated in the certification a stay would, in his/her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by order of the Management and Operations Committee, and the Person filing the request shall be notified promptly.

10.3 NOTICE

At least seven days' prior written notice of the time and date of the hearing with the Management and Operations Committee shall be given to the Person filing the request.

10.4 APPEARANCE

At the hearing, any Person may appear in person or by agent or by an attorney.

10.5 ISSUANCE OF COMMISSION DECISION

After the hearing, the Management and Operations Committee shall make a recommendation to the Commission at the next regularly scheduled Commission meeting. The written decision of the Commission shall be forwarded to the Person or designated agent or attorney within one week of the decision.

SECTION 11. GENERAL PROVISIONS.

11.1 Penalty

As established by Minn. Stat. § 473.608, Subd. 17 (1), any Person violating any of the provisions of this Ordinance shall upon conviction be punished by sentence within the parameters of the maximum penalty for misdemeanors set forth in Minn. Stat. § 609.03 or as the same may from time to time be amended.

11.2 Provisions Severable. If any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Ordinance. The Commission hereby declares it would have passed the remaining parts of this Ordinance if it had known that such part or parts thereof would be declared unconstitutional.

11.3 Effective Date. This Ordinance, upon filing the same with proof of publication thereof with the Secretary of State of Minnesota, shall be in full force and effect from and after March 1, 1992.

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