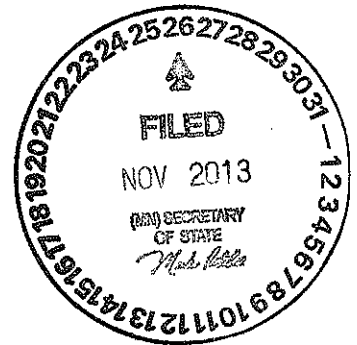


**METROPOLITAN AIRPORTS COMMISSION**

**ORDINANCE No. 118**



**RELIEVER AIRPORTS MINIMUM STANDARDS  
FOR  
GENERAL AVIATION  
COMMERCIAL AERONAUTICAL OPERATIONS**

Adopted by Commission: October 21, 2013  
Effective Date: January 1, 2014

141163

**Metropolitan Airports Commission  
Ordinance No. 118**

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**Attachments**

**Attachment A** – License Fee & Term Schedule

**Attachment B** – Selected Provisions of Minnesota Administrative Rules Dated  
October 2, 2007

**METROPOLITAN AIRPORTS COMMISSION**

**ORDINANCE NO. 118**

**PREAMBLE**

An ordinance of the Metropolitan Airports Commission amending and specifying Minimum Standards, by amending and restating Ordinance No. 78, for General Aviation Commercial Aeronautical Operations and Flying Clubs at the Commission's Reliever Airports.

Whereas, the Commission desires to serve the public interest, convenience, and necessity; to promote the efficient, safe and economic handling of air commerce; and to develop the full potentiality of the metropolitan area in this State as an aviation center;

Whereas, the Commission desires further to ensure adequate availability, quality and levels of service to meet the demands and expectations of Reliever Airport users; to protect the investment of Commercial Operators from unreasonable competition; to protect Reliever Airport users from unlicensed and unauthorized products and services; to promote the orderly development of Reliever Airport land; and to provide opportunity for new Commercial Operators who meet the Minimum Standards and requirements of this Ordinance to engage in a Commercial Aeronautical Operation;

Whereas, consistent with Federal law and policy, the Commission intends to operate the Reliever Airports for the use and benefit of the public and to make the Reliever Airports available for public use on reasonable conditions and without unjust discrimination;

Whereas, Ordinance No. 78 is being amended in accordance with the recommendation contained in the "Recommendations Regarding Operational Practices and Capital Funding for General Aviation in the Commission System", which was accepted by the Commission in July 2011;

Whereas, having received and considered extensive public input and having fully considered the State and Federal legal requirements concerning Minimum Standards; and

Whereas, this Ordinance No. 118 ("Ordinance") will interchangeably be referred to as "Ordinance No. 118", and as "Ordinance No. 78 as amended";

Now therefore, the Commission does ordain:

**1. DEFINITIONS.**

**1.1 21D.** The Lake Elmo Airport in Washington County.

**1.2 Aeronautical Activity.** Any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft, or another Aeronautical Activity, or which contributes to or is required for the safety of such operations. Aeronautical Activities include, but are not limited to, sale of Fuel and/or lubricants; passenger, crew, pilot services, and Aircraft ground services; support and amenities; hangar, Aircraft parking, office, and shop

rental/subleasing; Airframe and Power Plant Maintenance; Avionics Sales and Service; Flight Training / Aircraft Rental; Aircraft Charter; Aircraft Management, Aircraft Sales; aerial photography; aerial spraying and agriculture aviation services; aerial advertising; aerial surveying; and any other activities that in the judgment of the Director of Reliever Airports, because of their direct relationship to the operation of Aircraft or the Reliever Airport, can appropriately be regarded as an "Aeronautical Activity." For purposes of these Minimum Standards, all products and services described herein are deemed to be "Aeronautical Activities".

- 1.3 Aircraft.** Any contrivance now known or hereafter invented which is used or designed for navigation of or flight in air, except a parachute or other contrivance designed for such navigation but used primarily for safety equipment. This includes, but is not limited to, airplanes, helicopters, gliders, and seaplanes.
- 1.4 Aircraft Charter.** A Commercial Aeronautical Operation providing air transportation of Persons or property to the general public for hire, either on a charter basis or as an air taxi, as defined by 14 C.F.R. Part 135 (2012), as now or hereafter amended.
- 1.5. Airframe and Power Plant Maintenance.** A Commercial Aeronautical Operation providing airframe and power plant services, which includes service, repair, maintenance, inspection, constructing, and making of modifications and alterations to Aircraft, Aircraft engines, propellers and appliances including the removal of engines for major overhaul as defined in 14 C.F.R. Part 43 (2012), as now or hereafter amended. This category of service also includes the sale of Aircraft parts.
- 1.6. Airport Composite Aircraft Mix.** A fleet of Aircraft representing an Aircraft composite mix for a particular Reliever Airport. The Airport Composite Aircraft Mix for each Reliever Airport is as follows:

  - STP: One (1) Gulf Stream V; four (4) Cessna Citation IIIs; and three (3) Falcon 10s;
  - FCM: Four (4) Cessna Citation IIIs; three (3) King Air 200s; and two (2) Cessna 172s;
  - ANE: Four (4) Cessna Citation IIIs; three (3) King Air 200s; and two (2) Cessna 172s;
  - LVN: Two (2) King Air 200s; and four (4) Cessna 172s;
  - MIC: Six (6) Cessna 172s;
  - 21D: Six (6) Cessna 172s.
- 1.7. Airport Manager.** The Commission's employee responsible for the operation and maintenance of a particular Reliever Airport.
- 1.8. ANE.** The Anoka County-Blaine Airport in Anoka County.
- 1.9. Assisted Self-Service Fueling.** Retail Full-Service Fueling using Retail Self-Service Fueling equipment.

- 1.10. Avionics Sales and Service.** A Commercial Aeronautical Operation providing for the repair and service, or installation of Aircraft radios, instruments and accessories. Such operation may include the sale of new or used Aircraft radios, instruments and accessories.
- 1.11. C.F.R.** Code of Federal Regulations.
- 1.12. Commercial Aeronautical Operation.** Any Aeronautical Activities offered to the public or conducted at, on or from the Reliever Airport by a Person in which: (i) the exchange, trading, buying, or selling of commodities, goods, services or property of any kind occurs; (ii) the engaging in any Aeronautical Activity occurs for the purpose of securing revenue, earnings, income, and/or compensation, whether or not such revenue, earnings, and/or compensation are ultimately exchanged, obtained, or transferred; (iii) the offering or exchange of any product, service, or facility occurs on the Reliever Airport as a part of other revenue, earnings, income, and/or compensation producing activity on or off the Reliever Airport; or (iv) the brokering or selling of any of the aforesaid services. For purposes of this Ordinance, Commercial Aeronautical Operation does not include (i) any operation of Aircraft as common carriers certificated by the Federal Government or the services incidental thereto, or (ii) any operation of Aircraft by a component or branch of the military forces of the United States of America or the State of Minnesota.
- 1.13. Commercial Operator.** A Person engaged in a Commercial Aeronautical Operation. For purposes of this Ordinance, the term Commercial Operator includes Licensed Operator (as such is defined in Section 7.1 of this Ordinance), and a Person conducting a Commercial Aeronautical Operation authorized pursuant to Section 3.4 [Commercial Aeronautical Operations Not Addressed].
- 1.14. Commission.** The Metropolitan Airports Commission, a public corporation organized and operating pursuant to Chapter 500, Laws of Minnesota 1942 and amendments thereto.
- 1.15. Director of Reliever Airports.** The Commission's administrative officer responsible for the Reliever Airports.
- 1.16. FAA.** The Federal Aviation Administration.
- 1.17. FCM.** The Flying Cloud Airport in Hennepin County.
- 1.18. Flight Training / Aircraft Rental.** A Commercial Aeronautical Operation in which a Person is engaged in giving or offering to give dual or solo flight instruction for hire or compensation, or advertising, representing, or holding himself/herself out as giving or offering to give such instruction; and/or providing or offering to provide the rental or leasing of Aircraft to the public for hire or compensation.
- 1.19. Fuel.** All flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine. This shall include any substance (solid, liquid, or

gaseous) used to operate any engine, which shall include Aircraft or vehicles.

- 1.20. **Fueling.** The transportation, sale, delivery, dispensing, storage, or draining of Fuel or Fuel waste products to or from Aircraft, vehicles, or equipment.
- 1.21. **Fueling System.** An arrangement of Fuel storage tanks, pumps, piping, and associated equipment, such as filters, water separators, hydrants, dispensing equipment and station, or mobile Fueling vehicles, installed at a Reliever Airport and designed to service Aircraft at fixed positions.
- 1.22. **Full Service Fixed Base Operator (or "FBO").** A Commercial Aeronautical Operation which offers, at a minimum, the Fueling and lubrication of Aircraft, line service, Airframe and Power Plant Maintenance, parking and storage of Aircraft, and pilot services and concessions. Additional services may be offered if approved by the Commission, including but not limited to: Flight Training / Aircraft Rental, Aircraft Charter, and Avionics Sales and Service.
- 1.23. **General Aviation.** All of aviation with the exception of military aviation, and scheduled commercial air carrier operations. General Aviation Aircraft are utilized for commercial and non-commercial purposes including business/corporate, recreational/pleasure, charter/air taxi, industrial/special purpose, and instructional.
- 1.24. **Lease.** A written agreement between Commission and a Commercial Operator specifying the terms and conditions under which the Commercial Operator may occupy and operate from certain Commission property.
- 1.25. **Leasehold.** The real property leased to a Commercial Operator for the conduct of a Commercial Aeronautical Operation, as such real property is defined in a Lease between the Commercial Operator and Commission.
- 1.26. **License.** A written agreement between Commission and a Commercial Operator specifying the terms and conditions under which the Commercial Operator may engage in a Commercial Aeronautical Operation at a particular Reliever Airport.
- 1.27. **LVN.** The Airlake Airport in Dakota County.
- 1.28. **MIC.** The Crystal Airport in Hennepin County.
- 1.29. **Minimum Standards.** The qualifications, standards, requirements and criteria established by the Commission as the minimum requirements to be met as a condition for the right to conduct a Commercial Aeronautical Operation on a Reliever Airport.
- 1.30. **Person.** An individual, firm, partnership, corporation, trust, association, group, trustee, receiver, or any other organization.
- 1.31. **Ramp.** Those paved areas of the Reliever Airport within the Leasehold recognized by the Airport Manager for loading and unloading passengers onto or from Aircraft or for parking Aircraft.



- 1.32. **Reliever Airport.** An intermediate or minor use public airport now or in the future owned by and/or under the supervision, operation, direction and control of the Commission. Such intermediate and minor use airports presently include 21D, ANE, FCM, LVN, MIC, and STP.
- 1.33. **Reliever Airports Staff Lease Committee.** A committee of staff members of the Commission that represents various departments of the Commission. The function of this committee is to review lease requests and make recommendations to the Commission concerning the Reliever Airports.
- 1.34. **Retail Full-Service Fueling.** Fueling of an Aircraft by employees of the Full Service Fixed Base Operator.
- 1.35. **Retail Self-Service Fueling.** Dispensing of Fuel into an Aircraft by an Aircraft operator or its representative using retail self-service equipment installed for that purpose by a Full Service Fixed Base Operator.
- 1.36. **Self-Service.** Services performed on an Aircraft by the Aircraft owner, or his or her employees, using equipment owned by the Aircraft owner and resources supplied by the Aircraft owner, including: self-fueling, repair, maintenance, cleaning, and general services. Self-services cannot be contracted out to another party. Cooperative activities and the sharing of vehicles, employees, and resources is not considered self-service and is not permitted.
- 1.37. **Specialized Aviation Service Operation (or "SASO").** A Commercial Aeronautical Operation that is authorized to provide any one or a combination of the following: Aircraft Charter; Airframe and Power Plant Maintenance; Avionics Sales and Services; Flight Training / Aircraft Rental. The term SASO includes a Person conducting a Commercial Aeronautical Operation authorized pursuant to Section 3.4 [Commercial Aeronautical Operations Not Addressed].
- 1.38. **STP.** The St. Paul Downtown Airport-Homan Field in Ramsey County.

## 2. **GENERAL POLICY.**

### 2.1 **Requirement to Meet Minimum Standards.**

The Commission affords the opportunity to qualify, or otherwise compete, for the privilege of engaging in a General Aviation Commercial Aeronautical Operation at a Reliever Airport, subject to a Person's satisfaction of the Minimum Standards set forth in this Ordinance and execution of a written agreement with Commission. Persons who qualify for, or are awarded, such privilege will be allowed to engage in a General Aviation Commercial Aeronautical Operation at a Reliever Airport, under the terms described in this Ordinance and in the written agreement with Commission.

Except as otherwise provided in this Ordinance, all Persons conducting a Commercial Aeronautical Operation at a Reliever Airport shall comply with all Minimum Standards and requirements set forth in this Ordinance and in the written agreement with Commission. No Person

shall be permitted to conduct any Commercial Aeronautical Operation, or solicit business in connection therewith, unless such Commercial Aeronautical Operation is conducted in accordance with the Minimum Standards of this Ordinance (or is permitted under Section 10 [Legal Non-Conforming Uses] or Section 11 [Variances]) and in accordance with the terms of a valid written agreement between such Person and the Commission that authorizes the conduct of such Commercial Aeronautical Operation; provided, however, (i) flight instruction for which a flight school endorsement is not required under Minnesota Administrative Rules 8800.3900 (dated October 2, 2007 and set forth in Attachment B) is permitted and not subject to the Minimum Standards and requirements of this Ordinance, (ii) check rides given by FAA designated examiners solely for the purpose of certification are permitted and not subject to the Minimum Standards and requirements of this Ordinance, and (iii) other Commercial Aeronautical Operations not addressed by this Ordinance, such as aerial photography, may be permitted pursuant to Section 3.4 [Commercial Aeronautical Operations Not Addressed].

## **2.2 Minimums.**

The Minimum Standards in this Ordinance establish only the minimum requirements to engage in a General Aviation Commercial Aeronautical Operation. A Person may find that a successful operation may need to exceed the minimums in some or all aspects.

## **2.3 Compliance with All Laws and Other Requirements.**

All Persons conducting a Commercial Aeronautical Operation must comply with all applicable local, municipal, county, State and Federal laws, regulations, rules and ordinances, now or hereafter in force, including those of the Commission, and including all applicable security requirements.

Information and requirements related to lease requests, construction guidelines, self-fueling, and rates and charges, among other things, are not contained within this Ordinance. Persons may obtain a copy of Commission's ordinances, rules and regulations by contacting the Airport Manager.

## **2.4 Commission Reservations.**

The grant of a privilege to engage in a General Aviation Commercial Aeronautical Operation, pursuant to this Ordinance, shall not be construed as the grant of an exclusive right to engage in such Commercial Aeronautical Operation(s) at a Reliever Airport. The Commission reserves the right to allow other Persons, who desire to engage in the same, a similar, or a different Commercial Aeronautical Operation, to use the Reliever Airport, as provided by this Ordinance.

The Commission reserves the right to designate specific areas on a Reliever Airport in which Commercial Aeronautical Operations may be conducted; giving consideration to the nature and extent of the use and the areas available for such use, consistent with the purposes of this Ordinance.

If a Person ceases to provide or does not provide a Commercial Aeronautical Operation at a Reliever Airport that the Commission determines to be necessary, the Commission reserves the right to provide, in whole or in part, such necessary Commercial Aeronautical Operation.

The Commission is under no obligation to provide financing, exercise its rights to a taking as afforded by law or lease, or make any enhancements to land or improvements at a Reliever Airport to facilitate any development or consummate any agreement proposed by a current or prospective Person. The Commission is under no obligation to pursue Federal, State, or other funds to contribute to any development.

The terms of this Ordinance are subject and subordinate to provisions of any existing or future agreement between Commission and the United States, relative to the development, operation, or maintenance of a Reliever Airport.

### **3. APPLICABILITY.**

#### **3.1 Objective and Uniform Application.**

The Minimum Standards and requirements of this Ordinance will be applied objectively and uniformly to all similarly situated Persons engaging in a General Aviation Commercial Aeronautical Operation.

#### **3.2 Self-Service Exemption.**

The Minimum Standards and requirements of this Ordinance do not apply to Aircraft owners engaging in Self-Service. Self-Service activities may be conducted in accordance with applicable Commission rules, regulations and policies, and applicable provisions set forth in a written agreement with Commission.

#### **3.3 Effect on Agreements to Exceed.**

Subject to Section 3.1, the Minimum Standards of this Ordinance shall not be deemed to modify any existing Lease with Commission under which a Person is required to exceed these Minimum Standards, nor shall they prohibit Commission from entering into or enforcing an agreement that requires a Person to exceed the Minimum Standards of this Ordinance.

#### **3.4 Commercial Aeronautical Operations Not Addressed.**

If a Person proposes to conduct a Commercial Aeronautical Operation that is not addressed in this Ordinance, the Director of Reliever Airports shall determine the appropriate Minimum Standards and requirements that shall be applied to the Commercial Aeronautical Operation. These minimum standards and requirements will then be set forth in a written agreement between the Person and the Commission.

### **3.5 Contiguous Lots.**

In order to establish compliance with the square footage requirements of this Ordinance, square footage calculations must affect one or more contiguous Leaseholds; or Leaseholds separated by no more than one taxilane, provided no other leased area is adversely impacted as determined by the Airport Manager.

## **4. GENERAL REQUIREMENTS.**

All Commercial Operators must meet the requirements set forth in this Section 4.

### **4.1 Emphasis on Safety and Customer Service.**

The Commission desires to ensure adequate availability, quality, and levels of service to meet the demands and expectations of Reliever Airport users. In meeting the Minimum Standards and requirements of this Ordinance, Commercial Operators are encouraged to provide high quality customer service to Reliever Airport users, that meets or exceeds customer needs and expectations through consistent, responsive, and professional service. All services must be provided in a safe manner.

### **4.2 Management Control and Supervision.**

In addition to the specific Minimum Standards addressing personnel requirements of this Ordinance, each Commercial Operator should employ the necessary number of trained staff, on-duty management and supervisors to provide for the efficient, safe, and orderly compliance with this Ordinance and the written agreement with the Commission.

In addition, each Commercial Operator should control the conduct and demeanor of its personnel and subtenants, and conduct its business operations on and from the Reliever Airport in a safe, orderly, efficient, professional and proper manner.

### **4.3 Identification Requirement.**

#### **4.3.1 Personnel.**

All personnel employed by the Commercial Operator to perform a Commercial Aeronautical Operation on the Reliever Airport are required to be appropriately identifiable while on duty. The Commercial Operator's business name must be included in the means of identification for all personnel.

#### **4.3.2 Facilities, Vehicles, and Equipment.**

Each facility, vehicle, and piece of mobile or vehicular equipment used on the Reliever Airport in conjunction with the Commercial Aeronautical Operation should bear the Commercial Operator's identification in the form of a legible company logo, sign, emblem,

or other means to designate the Commercial Operator to whom the facility, vehicle, or equipment is assigned.

**5. MINIMUM STANDARDS FOR FULL SERVICE FIXED BASE OPERATORS.**

**5.1 Minimum Facility Spatial Requirements.**

	<b>Contiguous Leasehold Area (Sq Ft)</b>	<b>Ramp (Sq Ft)</b>	<b>Terminal/ Office (Sq Ft)</b>	<b>Single Clear-Span Hangar (Sq Ft) with Door Height (Ft)</b>	<b>Vehicle Parking Lot (# of Spaces)</b>
<b>STP</b>	217,800 (5 acres)	120,000	2,500	28,000 (clear span) 24 (door)	Greater of 75 or local code
<b>FCM</b>	130,680 (3 acres)	80,000	1,500	15,000 (clear span) 18 (door)	Greater of 40 or local code
<b>ANE</b>	130,680 (3 acres)	80,000	1,500	15,000 (clear-span) 18 (door)	Greater of 40 or local code
<b>LVN</b>	65,340 (1.5 acres)	36,000	1,200	10,000 (clear-span) 16 (door)	Greater of 20 or local code
<b>MIC</b>	65,340 (1.5 acres)	36,000	1,000	10,000 (clear-span) 16 (door)	Greater of 20 or local code
<b>21D</b>	65,340 (1.5 acres)	36,000	1,000	10,000 (clear-span) 16 (door)	Greater of 20 or local code

The minimum facility spatial requirements for Ramp, terminal/office, single clear-span hangar, and vehicle parking are each respectively

independent and may not overlap.

The Ramp space shall be adequately configured to support all the activities of the FBO and all approved subtenants, including adequate room to safely maneuver Aircraft as approved by the Airport Manager.

The public use terminal/office building shall include space for a customer lobby, office(s), a pilot lounge, a flight planning and weather briefing area, and male and female public restrooms.

All minimum facility spatial requirements, including single clear-span hangar space, must be satisfied within the FBO's primary and contiguous Leasehold.

Vehicle parking is not permitted in Aircraft movement areas.

### **5.2 Hours of Operation.**

In addition to the specific requirements regarding hours of operation for required and optional services set forth below, FBOs at STP, FCM and ANE are required to be open for business twelve (12) hours per day, seven (7) days per week, and FBOs at LVN, MIC and 21D are required to be open for business eight (8) hours per day, seven (7) days per week.

Business hours must be publicly advertised.

### **5.3 Personnel.**

During the required hours of operation, each FBO shall employ and have on duty the personnel required to meet the Minimum Standards for each type of service provided under Sections 5.5 [Minimum Service Requirements] and 5.7 [Optional FBO Services], as set forth more specifically in those Sections below. However, multiple responsibilities may be assigned to employees where feasible.

In addition, each FBO shall have at least two (2) employees on duty at all times during the hours of operation required by Section 5.2 [Hours of Operation], and provide to the Airport Manager a current written statement of the names, telephone numbers and other necessary contact information for all personnel responsible for the operation and management of the FBO. In addition, the Airport Manager shall be provided a point-of-contact with phone numbers for emergency situations.

### **5.4 Equipment.**

Each FBO shall, at its own expense, own or exclusively lease, maintain in good operating condition, and operate equipment suitable to service the Airport Composite Aircraft Mix (including, but not limited to, the equipment set forth in the chart below). All equipment must be maintained and operated in accordance with applicable Federal, State, and local laws, rules and regulations, and requirements, including safety requirements.

<b>Equipment</b>	
<b>STP</b>	<ul style="list-style-type: none"> <li>▪ One (1) ground power unit</li> <li>▪ One (1) lavatory cart</li> <li>▪ Oxygen</li> <li>▪ Nitrogen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>
<b>FCM</b>	<ul style="list-style-type: none"> <li>▪ One (1) ground power unit</li> <li>▪ One (1) lavatory cart</li> <li>▪ Oxygen</li> <li>▪ Nitrogen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>
<b>ANE</b>	<ul style="list-style-type: none"> <li>▪ One (1) ground power unit</li> <li>▪ One (1) lavatory cart</li> <li>▪ Oxygen</li> <li>▪ Nitrogen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>
<b>LVN</b>	<ul style="list-style-type: none"> <li>▪ One (1) ground power unit</li> <li>▪ One (1) lavatory cart</li> <li>▪ Oxygen</li> <li>▪ Nitrogen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>
<b>MIC</b>	<ul style="list-style-type: none"> <li>▪ One (1) external start unit</li> <li>▪ Oxygen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>
<b>21D</b>	<ul style="list-style-type: none"> <li>▪ One (1) external start unit</li> <li>▪ Oxygen</li> <li>▪ One (1) Aircraft tug/vehicle</li> </ul>

**5.5 Minimum Service Requirements.**

Each FBO shall be required to provide, at a minimum, the following services:

**5.5.1 Fueling.**

**A. General Requirements.**

Subject to Section 2.4 [Commission Reservations], only FBOs are permitted to provide any type of retail Fueling of Aircraft, including Retail Full-Service Fueling and Retail Self-Service Fueling.

Each FBO providing Fueling services shall be knowledgeable of and comply with all Federal, State, and local environmental laws, rules and regulations.

All Fueling services must be provided directly by the FBO, utilizing personnel directly employed by the FBO and equipment directly owned by the FBO. Any sharing among FBOs of Fueling services, Fueling Systems, equipment, Fuel, or employees is prohibited.

Each FBO shall provide, store, and dispense into-plane 100LL/Avgas Fuel and Jet-A Fuel and lubricants, as set forth in this Section, and shall own the equipment as set forth below:

	<b>Stationary Fuel Storage Minimum Capacity (Gallons)</b>		<b>Mobile Fueling Vehicle Minimum Capacity (Gallons)</b>	
	<b>Jet A</b>	<b>Avgas</b>	<b>Jet A</b>	<b>Avgas</b>
<b>STP</b>	One Tank 12,000	One Tank 10,000	One Vehicle 1,500	One Vehicle 750
<b>FCM</b>	One Tank 10,000	One Tank 10,000	One Vehicle 1,500	One Vehicle 750
<b>ANE</b>	One Tank 10,000	One Tank 10,000	One Vehicle 1,500	One Vehicle 750
<b>LVN</b>	One Tank 10,000	One Tank 10,000	One Vehicle 1,500	One Vehicle 500
<b>MIC</b>	One Tank 10,000 (If Provided)	One Tank 10,000	One Vehicle 1,200 (If Provided)	One Vehicle 500
<b>21D</b>	One Tank 10,000 (If Provided)	One Tank 10,000	One Vehicle 1,200 (If Provided)	One Vehicle 500



Each FBO shall provide Retail Full-Service Fueling. However, an FBO's Retail Self-Service Fueling System (as described in Section 5.6 below) may be used to provide Retail Full-Service Fueling by employees of the FBO.

In addition, the FBO's Retail Self-Service Fueling System may be used to comply with the mobile Fueling vehicle requirement, provided Assisted Self-Service Fueling is offered by FBO employees during normal business hours.

FBOs at MIC and 21D are not required to provide Jet-A Fuel, but must meet the requirements of this Section regarding Jet-A Fuel if they choose to do so; however, if the FBO at MIC or 21D provides Jet-A Fuel, the FBO is not required to provide both a Jet-A tank and a Jet-A mobile Fueling vehicle.

**B. Quality.**

Each FBO shall ensure that all Fuel is delivered clean, bright, pure and free of microscopic organisms, water, or other contaminants. Ensuring the quality of the Fuel is the sole responsibility of the FBO. The Fuel must meet all applicable Federal, State, and local laws, rules, regulations, and requirements.

**C. Mobile Fueling Vehicles.**

Each mobile Fueling vehicle shall be equipped, maintained, and operated in a manner that complies with all applicable Federal, State, and local safety and fire prevention requirements, standards, and regulatory measures, including those prescribed by the National Fire Protection Association Codes and FAA Advisory Circulars 00-34 "Aircraft Ground Handling and Servicing" (as now or hereafter amended) and 150/5210-5 "Painting, Marking and Lighting of Vehicles Used On An Airport" (as now or hereafter amended).

Each mobile Fueling vehicle must be operating and fully functional. Each mobile Fueling vehicle shall be equipped with metering devices that meet all applicable Federal, State, and local laws, rules and regulations.

At least one mobile Fueling vehicle must be a vehicle dispensing Jet-A Fuel, in accordance with the requirements of Section 5.5.1.A [General Requirements], with over the wing and single point servicing capability.

Mobile Fueling vehicles may be operated on public portions of a Reliever Airport, as permitted by the Airport Manager.

**D. Equipment.**

Each FBO shall, at its own expense, own, maintain (including all daily required safety and maintenance monitoring functions), and operate all components of the Fueling System, all in accordance with applicable Federal, State, and local laws, rules and regulations and requirements. Each FBO shall provide evidence of compliance to the Airport Manager upon request.

The Retail Full Service Fueling System must be located on the FBO's Leasehold.

The FBO must also provide dispensing equipment. Filter-equipped Fuel dispensers with separate dispensing pumps and meter systems for each grade of Fuel shall be provided. All metering devices must be inspected, checked and certified annually by appropriate local and State agencies.

Each FBO shall provide an adequate supply of properly located, type, size and operable fire extinguishers and other safety equipment. All fire extinguisher certifications must be current. Fire extinguishers shall be maintained within all hangars, on Ramp areas, at Fuel storage facilities, and on all ground handling and mobile Fueling vehicles as required by appropriate fire codes for the type of operations conducted.

Each FBO shall maintain current records of quality control checks and inspections of Fueling Systems and mobile Fueling vehicles, and shall provide copies of such records to the Airport Manager upon request.

**E. Procedures and Permits.**

Each FBO shall develop and maintain Standard Operating Procedures ("SOP") for Fueling and ground handling operations and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34 "Aircraft Ground Handling and Servicing" (as now or hereafter amended). The SOP shall address bonding and fire protection, public protection, control of access to the Fueling System, and marking and labeling of Fuel storage tanks and Fuel dispensing equipment. The SOP shall be submitted to the Airport Manager upon request. Each FBO shall also comply with FAA Advisory Circular 150/5230-4B "Aircraft Fuel Storage, Handling, and Dispensing on Airports" (as now or hereafter amended), and all other applicable Federal, State and local laws and regulations, including those of Commission, related to Fueling, including the handling, dispensing, sale and storage of Fuel.

Each FBO shall provide, upon request by the Airport

Manager, a current copy of their Fuel spill prevention, control and countermeasures plan ("SPCC") as required by the Commission's Reliever Airports Lease Policies, Rules and Regulations. Fuel inventories must be monitored in accordance with current Environmental Protection Agency standards.

Each FBO shall obtain all applicable Fueling certifications and permits.

**F. Training.**

All FBO personnel conducting Fueling shall be trained in safe and proper Fueling procedure, including the handling, dispensing, and storage of Fuel. Training shall be completed and updated in accordance with FAA Advisory Circular 150/5230-4B "Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports" (as now or hereafter amended). Training curriculum must be provided to the Airport Manager upon request, and certification of training completion must be provided to the Airport Manager for each employee conducting Fueling at the time the training has been completed or updated. Training records for all employees must be maintained by the FBO and provided to the Airport Manager upon request.

**G. Hours of Operation.**

FBOs at STP, ANE, and FCM shall provide Retail Full-Service Fueling a minimum of twelve (12) hours per day, seven (7) days per week. FBOs at LVN, MIC, and 21D shall provide Retail Full-Service Fueling a minimum of eight (8) hours per day, seven (7) days per week.

All FBOs must have two (2) employees on duty at all times during these hours, who are qualified and available to perform Retail Full-Service Fueling on demand.

If an FBO advertises twenty-four (24) hour Fueling services, then such FBO must also provide on-call Retail Full-Service Fueling services during non-business hours, with a response time of not more than thirty (30) minutes. A Retail Self-Service Fueling System is acceptable to meet this requirement during non-business hours.

**H. Disposal.**

Each FBO shall conduct the lawful, sanitary, and timely handling and disposal of all solid waste, regulated waste, and other materials including, but not limited to, sump Fuel, used oil, solvents, and other regulated waste.

### **5.5.2 Line Service.**

Each FBO shall provide line service within the Leasehold, including, but not limited to: Aircraft Ramp assistance, towing, parking, oxygen and nitrogen services, lavatory services, and ground power unit services.

All line service must be provided directly by the FBO, utilizing personnel directly employed by the FBO and equipment directly owned by the FBO. Any sharing among FBOs of line service, equipment, or employees is prohibited.

All line service personnel shall complete training through an instructional training program suitable (as determined by the Airport Manager) for the type of line service they will be performing. Training curriculum must be provided to the Airport Manager upon request, and certification of training completion must be provided to the Airport Manager for each employee conducting line service at the time the training has been completed or updated. Training records for all employees must be maintained by the FBO and provided to the Airport Manager upon request.

FBOs at STP, ANE, and FCM shall provide line service a minimum of twelve (12) hours per day, seven (7) days per week. FBOs at LVN, MIC, and 21D shall provide line service a minimum of eight (8) hours per day, seven (7) days per week. All FBOs must have two (2) employees on duty at all times during these hours who are qualified to perform line service.

### **5.5.3 Airframe and Power Plant Maintenance.**

#### **A. General Requirements.**

Each FBO, or its sublessee or subcontractor, must provide Airframe and Power Plant Maintenance services on the Leasehold that meets the following requirements:

1. Airframe and Power Plant Maintenance services must be available to be provided from a hangar and ventilated shop space on the FBO's Leasehold, and have access to customer lounge, public telephones, and restrooms on the FBO's Leasehold.
2. The FBO must employ and have on-duty a minimum of one (1) FAA certified technician who possesses an airframe, power plant, or inspection authorization rating as specified in 14 C.F.R. Part 65 (2012), as now or hereafter amended; or the Airframe and Power Plant Maintenance facility shall be certified under and satisfy all the requirements as specified in 14 C.F.R. Part 145 (2012), as now or hereafter amended.

3. The services must be available a minimum of eight (8) hours per day, five (5) days per week. It is encouraged, but not required, that the FBO provide on-call weekend Airframe and Power Plant Maintenance services.
4. The FBO must provide equipment, supplies, parts, lubrication and other aviation petroleum products required for Aircraft airframe, power plant, inspection, tire, battery, oxygen, and other routine Aircraft maintenance functions appropriate for the Airport Composite Aircraft Mix.

**B. Subcontracting.**

An FBO may subcontract with a subtenant approved by Commission, or with another Commercial Operator at the Reliever Airport, to provide the Airframe and Power Plant Maintenance services required by this Section 5.5.3. If the FBO elects to subcontract these services, the FBO is responsible for ensuring that the subcontractor meets all of the Minimum Standards set forth in this Section 5.5.3 when performing work for the FBO. The subcontractor must be able to operate from and perform the Airframe and Power Plant Maintenance services from the primary FBO Leasehold.

**5.5.4 Storage of Aircraft.**

Each FBO shall provide Ramp and hangar space for Aircraft parking and storage as required in Section 5.1 [Minimum Facility Spatial Requirements].

In order to establish compliance with the single clear-span hangar requirements of Section 5.1 [Minimum Facility Spatial Requirements], seventy percent (70%) of the single clear-span hangar must be available for Aircraft parking and maintenance.

**5.5.5 Pilot Services and Concessions.**

Each FBO shall provide the following services and concessions inside the FBO terminal building located on the Leasehold:

- Customer service counter;
- Public lounge and waiting area;
- Flight planning work area with flight service station and weather service communication links;
- Public telephones;
- Beverage and snack machines; and
- Local ground transportation contacts.

## **5.6 Optional Retail Self-Service Fueling.**

Subject to Section 2.4 [Commission Reservations], only FBOs are permitted to provide Retail Self-Service Fueling.

An FBO providing Retail Self-Service Fueling must comply with all requirements of this Section 5.6, and all requirements of Section 5.5.1 [Fueling].

A minimum of 12,000 square feet of Ramp must be dedicated for the operation of the Retail Self-Service Fueling facilities and services (including Aircraft parking) if the Retail Self-Service Fueling facilities and services are provided in a leased area that is not within the FBO's primary Leasehold.

Any FBO providing Retail Self-Service Fueling services shall provide, at a minimum:

- Ladders to service Aircraft;
- Adequate lighting from dusk to dawn so that the Retail Self-Service Fueling System may be easily located and the dispensing of Fuel may be safely performed;
- Easily recognizable markings to indicate type of Fuel;
- Placard instructions on use of the Retail Self-Service Fueling System; and
- Emergency contact information for FBO personnel trained to conduct Fueling and available on demand.

Any FBO providing Retail Self-Service Fueling services for Jet A Fuel must provide Assisted Self-Service Fueling by FBO employees, if requested, during normal business hours, and must provide Assisted Self-Service Fueling by FBO employees within sixty (60) minutes, if requested, during non-business hours.

Fuel dispensed by the Retail Self-Service Fueling System must be into Aircraft only.

The Retail Self-Service Fueling System must be made available twenty-four (24) hours per day, seven (7) days per week, and 365 days per year.

The FBO must perform an operational inspection of the Retail Self-Service Fueling System at least once every twenty-four (24) hours to ensure it is operating properly.

## **5.7 Optional FBO Services.**

In addition to the required FBO services, an FBO may engage in optional Commercial Aeronautical Operations at the Reliever Airport, as allowed by its Lease. Some of the optional FBO services that may be allowed include, but are not necessarily limited to, the Commercial Aeronautical

Operations listed below.

Any FBO providing the optional FBO services listed below, either directly or through a sublessee or subcontractor, shall comply with the Minimum Standards set forth in this Section 5.7. (There are no facility spatial requirements in addition to those set forth in Section 5.1 [Minimum Facility Spatial Requirements] for engaging in the optional FBO services listed below.)

**5.7.1 Flight Training / Aircraft Rental.**

Each FBO or sublessee engaging in Flight Training / Aircraft Rental shall:

- Have access to customer lounge, public telephones, and restrooms on the Leasehold.
- Employ and make available at least two (2) or more FAA certified flight instructors as necessary to meet the Flight Training / Aircraft Rental demand and schedule requirements.
- Own or lease two (2) or more airworthy Aircraft necessary to meet the Flight Training / Aircraft Rental demand and schedule requirements. One (1) Aircraft must be equipped for instrument flight instruction.
- Make Flight Training / Aircraft Rental services available a minimum of eight (8) hours per day, five (5) days per week. Some Flight Training / Aircraft Rental services are very seasonal and hours may be adjusted for winter operations with written permission from the Airport Manager.

**5.7.2 Aircraft Charter.**

An FBO or sublessee engaging in Aircraft Charter shall:

- Have access to customer lounge, public telephones, and restrooms on the Leasehold.
- Staff an individual thoroughly familiar with operations under 14 C.F.R. Part 135 (2012), as now or hereafter amended. Pilots must be properly certified for the type of operation performed under 14 C.F.R. Part 135 (2012), as now or hereafter amended.
- Own, lease, or manage at least one (1) certified and continuously airworthy instrument qualified Aircraft.
- Make these services available a minimum of eight (8) hours per day, five (5) days per week.

**5.7.3 Avionics Sales and Service.**

An FBO or its sublessee engaging in Avionics Sales and Service

shall:

- Have access to customer lounge, public telephones, and restrooms on the Leasehold.
- Employ and have on duty at least one (1) trained and FAA certified technician.
- Hold the appropriate FAA repair station certificates for the types of equipment the FBO or its sublessee plans to service and/or install.
- Have sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.
- Make these services available a minimum of eight (8) hours a day, five (5) days per week.

**6. MINIMUM STANDARDS FOR SPECIALIZED AVIATION SERVICE OPERATIONS.**

**6.1 Minimum Facility Spatial Requirements.**

Except as provided in Section 6.7 [SASO as FBO Sublessee], SASOs shall be required to meet the following minimum facility spatial requirements:

Type of Activity	Leasehold Area (Sq Ft)	Terminal/ Office (Sq Ft)	Hangar (Sq Ft)	Ramp (Sq Ft)	Vehicle Parking Lot (# of Spaces)
Aircraft Charter	23,500	400	8,000	11,500	12
Airframe and Power Plant Maintenance	19,800	400	6,400	8,400	4
Avionics Sales and Service	17,100	400	5,000	7,000	4
Flight Training / Aircraft Rental	18,750	850**	5,000	8,500	8

\*\* Only 400 square feet is required if no on-site instruction is provided.



The minimum facility spatial requirements for Ramp, terminal/office, hangar, and vehicle parking are each respectively independent and may not overlap.

The Ramp space shall be adequately configured to support all the activities of the SASO and all approved subtenants, including adequate room to safely maneuver Aircraft as approved by the Airport Manager.

The public use terminal/office building shall include space for a customer lobby, office(s), a pilot lounge, a flight planning and weather briefing area, and male and female public restrooms.

All minimum facility spatial requirements, including hangar space, must be space on the FBO's primary and contiguous Leasehold.

Vehicle parking is not permitted in Aircraft movement areas.

## **6.2 Personnel.**

Each SASO described in this Section 6 shall have at least one (1) employee on duty at all times during hours of operation, and provide to the Airport Manager a current written statement of the names, addresses, telephone numbers and other necessary contact information for all personnel responsible for the operation and management of the SASO. In addition, the Airport Manager shall be provided a point-of-contact with phone numbers for emergency situations.

## **6.3 Aircraft Charter.**

### **6.3.1 Facility Requirements.**

The SASO shall comply with the requirements of Section 6.1 [Minimum Facility Spatial Requirements]. The terminal/office space shall include space for the provision of a customer lounge, public telephones, and restrooms.

### **6.3.2 Personnel.**

The SASO shall staff an individual thoroughly familiar with operations under 14 C.F.R. Part 135 (2012), as now or hereafter amended. Pilots must be properly certified for the type of operations performed under 14 C.F.R. Part 135 (2012), as now or hereafter amended.

### **6.3.3 Equipment.**

The SASO shall own, lease or manage at least two (2) certified and continuously airworthy instrument qualified Aircraft.

### **6.3.4 Hours of Operation.**

The SASO shall make Aircraft Charter services available a minimum of eight (8) hours per day, five (5) days per week.

**6.4 Airframe and Power Plant Maintenance.**

**6.4.1 Facility Requirements.**

The SASO shall comply with the requirements of Section 6.1 [Minimum Facility Spatial Requirements]. The terminal/office space shall include space for the provision of a customer lounge, public telephones, and restrooms. The hangar space shall include ventilated shop space.

**6.4.2 Personnel.**

The SASO shall employ and have on-duty a minimum of one (1) FAA certified technician who possesses an airframe, power plant, or inspection authorization rating as required in 14 C.F.R. Part 65 (2012), as now or hereafter amended, or the Airframe and Power Plant Maintenance facility must be certified under 14 C.F.R. Part 145 (2012), as now or hereafter amended.

**6.4.3 Equipment.**

The SASO shall have sufficient equipment, supplies and availability of parts to perform Airframe and Power Plant Maintenance in accordance with manufacturer's recommendations or equivalent.

**6.4.4 Hours of Operation.**

The SASO shall make Airframe and Power Plant Maintenance services available a minimum of eight (8) hours per day, five (5) days per week.

**6.5 Avionics Sales and Services.**

**6.5.1 Facility Requirements.**

The SASO shall comply with the requirements of Section 6.1 [Minimum Facility Spatial Requirements]. The terminal/office space shall include space for the provision of a customer lounge, public telephones, and restrooms.

**6.5.2 Personnel.**

The SASO shall employ and have on duty at least one (1) trained and FAA certified technician.

**6.5.3 Equipment.**

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

The SASO shall hold the appropriate FAA repair station certificates for the types of equipment the operator plans to service and/or install.

**6.5.4 Hours of Operation.**

The SASO shall make Avionics Sales and Services available a minimum of eight (8) hours per day, five (5) days per week.

**6.6 Flight Training / Aircraft Rental.**

**6.6.1 Facility Requirements.**

The SASO shall comply with the requirements of Section 6.1 [Minimum Facility Spatial Requirements]. The terminal/office space shall include space for the provision of a customer lounge, public telephones, restrooms, and class-rooms if on-site instruction is provided.

**6.6.2 Personnel.**

The SASO must employ and make available at least two (2) or more FAA certified flight instructors necessary to meet the Flight Training / Aircraft Rental demand and schedule requirements.

**6.6.3 Equipment.**

The SASO must own or lease two (2) or more airworthy Aircraft necessary to meet the Flight Training / Aircraft Rental demand and schedule requirements. One (1) Aircraft must be equipped for instrument flight instruction.

**6.6.4 Hours of Operation.**

The SASO shall make these services available a minimum of eight (8) hours per day, five (5) days per week. Some flight activities are very seasonal and hours may be adjusted for winter operations with written permission from the Airport Manager.

**6.7 SASO as FBO Sublessee.**

If a SASO conducting Flight Training / Aircraft Rental, Aircraft Charter, or Avionics Sales and Service is a sublessee of an FBO, the Minimum Standards set forth in Section 5.7 [Optional FBO Services] shall apply, instead of the Minimum Standards set forth in this Section 6.

**7. LICENSING.**

**7.1 Definition.**

A "Licensed Operator" is a Commercial Operator authorized pursuant to a License to engage in one or more Commercial Aeronautical Operations, as described in this Section 7.

**7.2 Authorization.**

Any Person, including any storage hangar lessee or Commercial Operator, may apply for a License, pursuant to the terms of this Section

7 and the License.

The Director of Reliever Airports may execute a License, with a term of less than one year, with a Person, authorizing the Person to engage in one or more of the Commercial Aeronautical Operations described in Section 7.3, provided all applicable requirements of this Ordinance are met, including the requirements of Section 4 [General Requirements], the requirements of this Section 7, and the requirements of the License. Licenses with a term of one year or more must be approved by the Commission. If a Commercial Operator seeks a License and currently holds a Lease or sublease at the Reliever Airport at which the Commercial Operator wishes to engage in the licensed service, authorization extended under this Section 7 will be through a Lease amendment approved by the Commission, instead of through a License.

### **7.3 Licensed Services.**

#### **7.3.1 Aircraft Detailing.**

- “Aircraft Detailing” is the interior or exterior cleaning of Aircraft, including but not limited to: washing, waxing, buffing, etc.
- The License will be limited to a particular Reliever Airport, but a Person may apply for a License for each Reliever Airport.

#### **7.3.2 Provisional Airframe and Power Plant Maintenance.**

- “Provisional Airframe and Power Plant Maintenance” is Airframe and Power Plant Maintenance performed on Aircraft owned or exclusively leased by a particular Person or Flying Club.
- The License will be limited to a particular Person or Flying Club, and no more than five (5) Licenses may be issued to the same Licensed Operator within a twelve (12) month period.
- The Licensed Operator must comply with Minnesota Administrative Rules 8800.3900, dated October 2, 2007 and set forth in Attachment B.

### **7.4 Fees & Term Lengths.**

The Licensed Operator must pay the applicable fees as set forth in the License Fee & Term Schedule in Attachment A, and in the License. Term lengths for each type of licensed service are set forth in the attached License Fee & Term Schedule. The Commission may adjust the fees and term lengths in the License Fee & Term Schedule by Commission action.

### **7.5 Location.**

Any Person applying for a License must identify a workable, safe, reasonable, and non-intrusive location at which the Commercial

Aeronautical Operation will be conducted and at which the licensed service will be performed. The ultimate location will be determined by the Commission and set forth in the License.

## **8. FLYING CLUBS.**

### **8.1 Definition.**

A "Flying Club" is a nonprofit or not-for-profit Person (other than an individual) that owns, leases, or uses one or more Aircraft for the purpose of providing its members with Aircraft for their use for instruction, business, or pleasure; or a Person as defined by Minnesota Statutes §360.013, subd. 48 or Minnesota Administrative Rules 8800.4100, or as either are amended.

### **8.2 Operation Conditions.**

A Flying Club may operate on a Reliever Airport, under the following conditions:

#### **8.2.1 Authorization.**

The Flying Club must meet all of the requirements of this Section, and must obtain the prior written consent of the Director of Reliever Airports.

#### **8.2.2 Compliance with Laws.**

The Flying Club must comply with all applicable Federal, State and local laws, ordinances, regulations and rules, including those of Commission, and obtain the appropriate license(s) to operate from all applicable governing authorities.

The Flying Club must comply with Minnesota Administrative Rules 8800.4100 through 8800.4600, dated October 2, 2007 and set forth in Attachment B.

#### **8.2.3 Flight Instruction.**

Only Flying Club members may receive flight instruction in Flying Club aircraft.

Flight instruction and compensation for flight instruction must be consistent with the provisions of this Ordinance and Minnesota Administrative Rules 8800.4100 through 8800.4600, dated October 2, 2007 and set forth in Attachment B.

#### **8.2.4 Limitations.**

All Flying Clubs and their members are prohibited from engaging in any Commercial Aeronautical Operation with any Person other than a member of the Flying Club at the Reliever Airport; except that a Flying Club may sell, exchange, or lease its capital equipment as allowed by Minnesota Administrative Rules 8800.4100 through 4600, dated October 2, 2007 and set forth in Attachment B.

**8.3 Evidence of Compliance.**

The Flying Club must provide to the Director of Reliever Airports evidence of compliance with the requirements of this Section 8, upon request. Such evidence may include, but is not limited to, financial records, membership records, and by-laws.

**8.4 Violations.**

A Flying Club that violates the requirements of this Section 8, or that permits one or more members to do so, may be required to terminate all operations as a Flying Club at all Reliever Airports.

**9. COMPLEMENTARY AND COMPOUNDING OPERATIONS.**

**9.1 Complementary Operations.**

Each Person that proposes to offer more than one type of Commercial Aeronautical Operation must meet the highest Minimum Standard of any single operation proposed if the proposed operations are complementary. Complementary operations are those that can be conducted within the same area without interfering with one another, as determined by the Director of Reliever Airports. For example, Airframe and Power Plant Maintenance and Avionics Sales and Service are complementary operations.

**9.2 Compounding Operations.**

Compounding operations are those in which two or more Commercial Aeronautical Operations are combined into one Commercial Aeronautical Operation, other than complementary operations determined pursuant to Section 9.1, and which require a separate space to support the different operations. A Person that proposes to offer compounding operations must meet the Minimum Standards for each of the operations proposed. Any combination of operations, other than complementary operations determined pursuant to Section 9.1, are considered compounding operations. For example, Airframe and Power Plant Maintenance and Aircraft Charter are compounding operations.

**9.3 Maximum Minimum Standard.**

The maximum Minimum Standard that any Person will be required to meet for any combination of operations is the Minimum Standard set forth for a Full Service Fixed Base Operator in Section 5.

**10. LEGAL NON-CONFORMING USES.**

**10.1 Definition.**

A "Legal Non-Conforming Use" is a particular 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 Reliever Airport in which it is located by reasons of such adoption, and is declared to nonetheless be legal under certain conditions.

**10.2 Determination.**

Within sixty (60) days of adoption of this Ordinance, the Commission's Executive Director / CEO or the Executive Director / CEO's designated representative shall determine which Commercial Aeronautical 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 the Person controlling such Commercial Aeronautical Operations that these non-conforming uses may continue as Legal Non-Conforming Uses until the expiration of the current Lease term, or for ninety days if the current Lease is on a month to month term, except as provided in this Section.

**10.3 Safety Compliance.**

Legal Non-Conforming Use status shall not be granted to Persons for safety training requirements described in Sections 5.5.1.F and 5.5.2 of this Ordinance for a period longer than six (6) months from the date of notification of noncompliance.

**10.4 Termination of Legal Non-Conforming Uses.**

Any Legal Non-Conforming Use status shall terminate upon expiration of the current Lease term and before commencement of any new Lease, renewal Lease, or extension of the current Lease term. In addition, any Legal Non-Conforming Use status shall terminate prior to the expiration of the current Lease term upon the occurrence of any of the following:

- Any material change in the type, size, or character of the authorized uses of the Commercial Operation; or
- 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.

**10.5 "Substantial".**

For purposes of Section 10.4, "substantial" is greater than 50% of the assessed value of the Leasehold improvements, as indicated in the records of the county assessor at the time of the new construction or remodeling.

**10.6 Transferability of Legal Non-Conforming Use Status.**

Subject to Section 10.4 [Termination of Legal Non-Conforming Uses], the ownership of a Commercial Operation may change without affecting the Legal Non-Conforming Use status, as established by this Section 10.

## **11. VARIANCES.**

### **11.1 Definition.**

A "Variance" is a particular exemption from certain literal requirements of this Ordinance granted pursuant to the standard and terms set forth in this Section 11. A Variance shall not serve to amend, modify, or alter the Minimum Standards set forth in this Ordinance. There are two categories of Variances:

#### **11.1.1 Structural Variance.**

A "Structural Variance" generally concerns Leasehold area, terminal/office, hangar, Ramp, and vehicle parking lot areas.

#### **11.1.2 Use Variance.**

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

### **11.2 Request for Variance.**

Any Person desiring to use property at a Reliever Airport contrary to the Minimum Standards set forth in this Ordinance may apply to the Commission's Executive Director / CEO for a Variance. Such request must be submitted in writing to the Reliever Airports Staff Lease Committee and shall state the specific elements of the Minimum Standards for which a Variance is requested and the reasons in support of such request.

### **11.3 Notice.**

Upon receipt of a request for a Variance, the Reliever Airports Staff Lease Committee shall mail a written notice to all Commercial Operators at the affected Reliever Airport, and to storage hangar lessees located within 500 feet of the Commercial Aeronautical 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 the Commission's web page dedicated to the Reliever Airports at least five (5) working days in advance of such meeting.

### **11.4 Response.**

#### **11.4.1 Timeframe and Content.**

The Reliever Airports Staff Lease Committee shall forward a recommendation to the Commission's Executive Director / CEO or his or her designated representative regarding the request for a Variance. The Executive Director / CEO or designated representative 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. The written response shall state the grounds upon which the request is approved or denied, and specify the terms and conditions of any Variance that is approved.

#### **11.4.2 *Presumption of Approval.***

If the Executive Director / CEO or designated representative does not deny the request within the sixty (60) day period described above, the request shall be deemed to have been approved.

### **11.5 Approval or Denial.**

#### **11.5.1 *Standard of Approval or Denial.***

The Executive Director / CEO or designated representative shall approve a request for a Variance where (i) a literal application or enforcement of the Minimum Standards would result in practical difficulty, (ii) the Variance would not be contrary to the public interest, to the safe operation of the Reliever Airport, or to the private rights of others but would do substantial justice, (iii) the proposed use would be reasonable, and (iv) the Variance would be in accordance with the general purposes and intent of the Minimum Standards and with the Reliever Airport's long-term comprehensive plan at the time of the Variance request. "Practical difficulty" does not mean something that is created by the Person, but is rather a circumstance unique to the property; nor do economic considerations alone constitute a "practical difficulty."

The Executive Director / CEO or designated representative may allow such Variance subject to any reasonable conditions he or she deems necessary to effectuate the purposes of this Ordinance and Minn. Stat. § 473.601, et seq.

#### **11.5.2 *Conditions of Approval.***

In approving a request for a Variance, the Executive Director / CEO or designated representative may issue either a Use Variance or a Structural Variance. The Executive Director / CEO or designated representative shall specify the length of time applicable to each Variance, along with any other conditions established under Section 11.5.1, above.

### **11.6 Termination of Variance.**

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

- Expiration of the current Lease term and before commencement of any new Lease, renewal Lease, or extension of the current Lease term; unless expressly specified otherwise in writing by the Executive Director / CEO or designated representative pursuant to Section 11.5.2; or

- Substantial damage to the Leasehold improvements; or
- Substantial new construction or remodeling of the Leasehold improvements; or
- Failure to operate the Commercial Operation for a period of 180 continuous days for reasons other than substantial damage or destruction of the Leasehold improvements; or
- Any material change in the type, size or character of the authorized uses of the Commercial Operation; or
- Pursuant to or for violation of any of the conditions placed on a Variance by the Executive Director / CEO or designated representative under Section 11.5, above.

**11.7 "Substantial."**

For purposes of Section 11.6, "substantial" is greater than 50% of the assessed value of the Leasehold improvements, as indicated in the records of the county assessor at the time of the damage, new construction or remodeling.

**11.8 Transferability of Variance.**

Subject to Section 11.6 [Termination of Variance], the ownership of a Commercial Operation may change without affecting the Variance, as established by this Section 11.

**12. APPEALS.**

**12.1 Request for Appeal.**

A Person may appeal a decision of the Commission's Executive Director / CEO or his or her designated representative under Section 10 [Legal Non-Conforming Uses] or 11 [Variances] to the Commission's Management and Operations Committee. Any such appeals must be taken within ninety (90) days of the decision, by filing with the Management and Operations Committee secretary a written request for appeal specifying the grounds thereof.

**12.2 Stay.**

The receipt of a request for an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Executive Director / CEO or designated representative 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 or her opinion cause imminent injury 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.

**12.3 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.

**12.4 Appearance.**

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

**12.5 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 decision of the Commission shall be forwarded to the Person or designated agent or attorney within one week of the decision.

**13. GENERAL PROVISIONS.**

**13.1 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.

**13.2 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 been known that such part of parts thereof would be declared unconstitutional.

**13.3 Administration and Policy Oversight.**

Administration of the terms of this Ordinance shall be by the Commission's Executive Director / CEO or his or her designated representative and by Commission staff as described in this Ordinance. Policy-making aspects of this Ordinance shall be performed by the Commission's Board of Commissioners with ultimate authority residing in the Commission's Board of Commissioners.

**13.4 Consent of Commission.**

Where this Ordinance refers to the consent or approval of "Commission," it means the formal consent or approval of Commission's Board of Commissioners or full Commission.

**13.5 Effective Date.**

This Ordinance is effective January 1, 2014.

**ATTACHMENT A**  
**LICENSE FEE & TERM SCHEDULE\***

**Aircraft Detailing**

License Fee: \$200.00 (ANE, FCM, STP)  
\$100.00 (21D, LVN, MIC)

Term: One Year

**Provisional Airframe and Power Plant Maintenance**

License Fee: \$250.00 (Single Engine / Turbo Prop / Reciprocating)  
\$500.00 (Twin Engine / Turbo Prop / Reciprocating)  
\$1,000.00 (Turbo Jet Engine)

Term: One Year

\*The Commission may adjust the fees and term lengths in this License Fee & Term Schedule by Commission action.

**ATTACHMENT B**  
**SELECTED PROVISIONS OF**  
**MINNESOTA ADMINISTRATIVE RULES DATED OCTOBER 2, 2007**

**8800.3900 AIRCRAFT SERVICING, MAINTAINING, AND REPAIRING.**

**Subpart 1. Endorsement required.**

Any person who, for compensation or for hire, provides or offers to provide aircraft maintenance as defined in current federal aviation regulations found in Code of Federal Regulations, title 14, part 43, major or minor repair, or alteration to airframes or aircraft power plants or both, is deemed to be engaged in the business of aircraft servicing, maintaining, and repairing and must have a commercial operations license with an endorsement to certify the person's authority to engage in aircraft servicing, maintaining, and repairing.

**Subp. 2. Minimum requirements.**

To be eligible for an aircraft servicing, maintaining, and repairing endorsement, the applicant must meet the following minimum standards:

A. a building or available shop maintenance facility located on a licensed public or private airport, of adequate size and with sufficient space to work on the aircraft;

B. at least one mechanic certificated by the FAA for the type of servicing, maintaining, and repairing to be performed.

**Subp. 3. Insurance.**

The minimum insurance coverage must be of the following types and amounts: premise hazard insurance of \$100,000 per person and \$500,000 per occurrence for bodily injury and property damage. In addition, products hazard and completed operations insurance must be carried.

Each person who provides aircraft servicing, maintaining, and repairing shall advise each customer in writing if the service provider does not have hangar-keepers insurance in force.

**Subp. 4. Commercial operations license.**

The applicant must meet the requirements of parts 8800.3100 and 8800.3200.

**Statutory Authority:**

*MS s 14.388; 360.015; 360.018; 360.03; 360.90*

**History:**

*17 SR 1279; 30 SR 215; 31 SR 350*

**Posted:**

*October 2, 2007*

**8800.4100 - 8800.4600 FLYING CLUBS.**

**8800.4100 DEFINITIONS.**

**Subpart 1. Assets.**

"Assets," when used in parts 8800.4300 to 8800.4600, means property that the flying club owns, in whole or in part, or over which it has control, including the club's interest in any owned, rented, or leased aircraft.

**Subp. 2. Flying club.**

"Flying club" means a person other than an individual that neither for profit nor compensation owns, leases, or uses one or more aircraft for the purpose of instruction, business, or pleasure.

Note: Commercial operations that call themselves flying clubs shall adhere to the rules for commercial operations contained in parts 8800.3100 to 8800.3950. They are not considered a flying club under this part.

**Statutory Authority:**

*MS s 360.015; 360.018; 360.03; 360.90*

**History:**

*30 SR 215*

**Posted:**

*October 2, 2007*

**8800.4200 INTENT.**

A flying club is intended as benefiting the members of the group for pilot proficiency or instruction, or personal business use, or pleasure flying.

**Statutory Authority:**

*MS s 360.015*

**Posted:**

*October 2, 2007*

**8800.4300 REGISTRATION.**

Each flying club that any time during a preceding calendar year has five or more members shall register annually with the commissioner. This registration must report conditions as of December 31 of each year, and must be filed with the commissioner by January 31 of each year. This registration report must include the following:

A. the name and address of the flying club, the airport or airports at which its aircraft are based, and the make, model year, "N" number, and current Minnesota registration decal number of the aircraft that the club either owned or used during the past calendar year;

B. the form of organization of the flying club (for example, a corporation or partnership);

C. the name and title, home address and telephone number, and business address and telephone number of the contact person for the club;

D. the name of the club's insurance company, the policy number and its expiration date, and the amounts and types of coverage;

E. the amount or share in club assets held by each member of the club; and

F. a statement describing what remuneration was paid to members of the club, monthly and annually, during the preceding calendar year, or preceding fiscal year, as the case may be; a description of the services rendered by remunerated members to the club; and a description of the goods sold by

remunerated members of the club.

**Statutory Authority:**

*MS s 360.015; 360.018; 360.03; 360.90*

**History:**

*30 SR 215*

**Posted:**

*October 2, 2007*

**8800.4400 FLYING CLUB RECORDS.**

**Subpart 1. Appointment.**

Every flying club must appoint a club safety and operations officer and set forth the officer's duties in their operating rules or bylaws.

**Subp. 2. Records.**

Every flying club shall keep records of the club's operation. These records must be up to date, be in an orderly form, and contain the following information:

- A. names and addresses of all current members;
- B. if the flying club is a corporation, then the articles of incorporation and all amendments to it, the current bylaws, the minutes of the corporation, and all shareholder agreements; or, if the flying club is a partnership, then the current articles of partnership and all current partnership agreements;
- C. all club operating rules;
- D. the share in club assets held by each member, stated by percentage or dollars;
- E. the voting rights of each member, stated by percentage or number of votes;
- F. the rights of each member to the assets of the club, stated by percentage or dollars, in case of dissolution of the club if a corporation, and in case of termination of the club, if a partnership;
- G. a statement of financial condition of the flying club at the end of its preceding fiscal year, or at the end of its preceding calendar year, as the case may be, showing the assets and liabilities of the club; and
- H. an operating statement of the club for the preceding fiscal year, or the preceding calendar year, as the case may be, showing the profits or losses, or a statement of receipts and disbursements, of the club, as the case may be, for that period of time.

**Statutory Authority:**

*MS s 360.015; 360.018; 360.03; 360.90*

**History:**

*17 SR 1279; 30 SR 215*

**Posted:**

*October 2, 2007*

**8800.4500 INSPECTION OF RECORDS.**

The commissioner, or any employees of the department designated by the commissioner, shall have the right to inspect the books and records of any flying club, including the records referred to in part 8800.4400.

**Statutory Authority:**

*MS s 360.015*

**History:**

*17 SR 1279*

**Posted:**

*October 2, 2007*

**8800.4600 COMMERCIAL OPERATIONS.**

If a person engages in any of the following activities, the person is deemed to be conducting a commercial operation as defined in Minnesota Statutes, section 360.013, subdivision 11, not a flying club as defined in part 8800.4100, and therefore a commercial operations license issued under parts 8800.3100 to 8800.3950 is required:

A. if any of the club's assets are used by members of the club who: do not have a bona fide and significant percentage of the property interest in the assets of the club or hold in the club's assets a property interest that is subject to an unreasonable forfeiture; however, a club may set forth in its operating rules and bylaws any reasonable penalties and any reasonable forfeitures so long as the purpose and the actual effect is to enforce valid club rules;

B. if the property interest of any member of the club in the club's assets is not transferable; however, the transfer of this type of property interest may be subject to reasonable conditions as the club deems reasonably necessary to ensure discipline and payment of dues among its members;

C. if any member of the club receives a pecuniary gain or receives any special benefits that are in excess of the reasonable value of the services rendered to the club by that member, or are in excess of the reasonable value of the goods sold to the club by that member; however, this item does not prohibit a flying club from paying one or more of its members a reasonable amount for services such as bookkeeping, secretarial, managerial, aircraft maintenance, and administrative duties of the flying club;

D. if the club charters, leases, or rents its aircraft or any interest in its aircraft to any persons or organizations other than fully qualified members of the club; provided, however, that this item does not prohibit flying clubs from leasing club aircraft to properly licensed commercial operators;

E. if the club provides for, or allows, memberships with a duration of less than 90 days;

F. if the club advertises, represents, or holds itself out as giving or offering to give, or does in fact provide or arrange for, "air instruction" as an "air school" (see Minnesota Statutes, section 360.13, subdivisions 16 and 17); provided, however, that this item does not prohibit a club from providing or arranging for "air instruction," so long as it is not for compensation or hire directly or indirectly;

G. if an individual who is a member of a flying club (lessor) leases an aircraft to that flying club (lessee); or

H. if a lessor, as described in item G, gives air instruction, whether free or for compensation, to members of that flying club.

**Statutory Authority:**

*MS s 360.015; 360.018; 360.03; 360.90*

**History:**

*30 SR 215*

**Posted:**

*October 2, 2007*