

MINIMUM STANDARDS

FOR THE CONDUCT OF

COMMERCIAL AERONAUTICAL ACTIVITIES

AT

BISMARCK AIRPORT

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**Minimum Standards for the Conduct of
Commercial Aeronautical Activities at
Bismarck Airport**

I. Policy and Purpose

The requirements of standards imposed on those proposing to conduct an aeronautical activity on a public airport should relate primarily to the public interest. As building and sanitary codes are enacted for the protection of the local community, airport minimum standards should be designed to protect airport patrons from irresponsible, unsafe or inadequate service. The cost of meeting reasonable standards must be accepted as a normal business expense. Minimum Standards serve the objective of promoting safety, in all airport activities, maintaining a higher quality of service for airport users, protecting airport users from unlicensed and unauthorized products and services, enhancing the availability of adequate services for all airport users, and promoting the orderly development of airport land. The fairness and reasonableness of standards normally is judged against the background of general practices which have found acceptance at airports of comparable size and situation.

It is also important to be aware that:

- **The Board of City Commissioners can make reasonable adjustments to Minimum Standards from time to time following a public hearing in accordance with Ordinance 10-08-07.**
- **Minimum Standards must be fair and reasonable to all on-airport business operators, reasonable to each individual operator and relevant to the activity that the Minimum Standards concern.**
- **The City of Bismarck/Bismarck Airport will abide by all applicable federal regulations when applying these minimum standards and will apply these minimum standards uniformly and without unjust discrimination.**

II. Definitions

The following terms shall have the meaning set forth below:

Aeronautical Activity: *“Any activity conducted on Airport property which involves, makes possible, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations.” Activities within this definition commonly conducted on airports include, but are not*

limited to the following: air charter operations, pilot training, aircraft rental and sightseeing, aircraft storage, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, air operations, air cargo operations, sale of aviation petroleum conducted in conjunction with other included activities, repair radio, communication and navigation activity, which, because of its direct aircraft, can appropriately be regarded

carrier products of aircraft accessories, equipment and any other relationship to the operation of as an aeronautical activity.

- Note:**
1. *In addition to fulfilling the Minimum Standards for the particular aeronautical activity undertaken by an FBO or SASO, each FBO or SASO may conduct additional aeronautical activities noted above provided, (i) the FBO or SASO meets the prescribed Minimum Standards for those activities and (ii) the aeronautical activities are permitted by the City. Please see Chapter VII for aeronautical activities that are not permitted.*
 2. *For the conduct of any aeronautical activity by contract, as contrasted with having a lease for such purpose with the City, the contracting Operator must meet the applicable Minimum Standards and also have a fully executed Commercial Operating Permit with the City.*

Airport: *Bismarck Airport.*

City: *The City of Bismarck and its duly authorized representatives.*

Operator: *Any individual, firm, partnership, corporation, person, operator, association or company and includes any trustee, receiver, assignee or similar representative thereof.*

Minimum Standards: *The qualifications or criteria which may be established by the Airport owner as the minimum requirements that must be met by an Operator engaged in on-airport aeronautical activities in exchange for the right to conduct those activities. These standards may be amended and revised by the City at any time.*

Fixed Base Operator:

“FBO”

For the purposes of the Airport's Minimum Standards, an FBO is defined as: An Operator having a lease with and conducting a business or commercial activity at the Airport for the purpose of providing aircraft hangar storage and the sale of aviation petroleum products to the public with its own personnel and in accordance with requirements of the Airport's Retail Fueling Permit as amended from time to time. The FBO may also provide any of the other aeronautical activities identified on paragraph 1 of this chapter except for those not permitted under Chapter VII.

Specialized Aviation Service Operator (SASO):

An aeronautical business that offers a single or limited service. Examples of these specialized services may include, flight training, aircraft airframe and power plant repair/ maintenance, air carrier (such as aircraft charter, air taxi, air ambulance or air cargo), aircraft sales, avionics, instrument or propeller services, or other specialized commercial flight support business such as aircraft storage, air cargo operations etc.

Notes:

- 1.** *The SASO must have a direct lease with the Airport or be a sublessee of an airport tenant. Each SASO must have a Commercial Operating Permit issued by the City unless it has a lease with the City authorizing the conduct of its aeronautical activity in accordance with the Minimum Standards at the Airport.*

- 2.** *If an FBO or SASO is performing more than one of the defined aeronautical activities, the insurance coverage shall not be less than*

the highest coverage level required for any of the aeronautical activities proposed to be conducted. The FBO or SASO shall demonstrate to the City how it intends to accommodate more than one activity from an insurance coverage perspective, consistent with the provisions of Chapter III hereof.

3. *The FBO or SASO shall demonstrate to the City how it intends to accommodate more than one activity from a facility utilization perspective, consistent with the provisions of Chapter III hereof. The final decision on facility utilization shall be made by the City in its sole discretion.*

Transient Ramp:

Non exclusive aircraft parking areas provided by the City through City and Federal funding for the operation and parking of aircraft using the Airport. The City may designate areas of the Transient Ramp for preferential use consistent with an Operator's aeronautical use of the Airport.

Signatory Carrier:

A passenger or cargo carrier operating under FAR Part 121, which has entered into a lease commitment with the City to utilize and support the City terminal facilities and provides regularly scheduled services to the City.

Non-Signatory Carrier:

Any other air carrier, including FAR Part 121 carriers not committed to service to the City as described above or using the Airport on a random basis, such as a charter operator.

III. Requests to Conduct Aeronautical Activities

All operators requesting permission to conduct aeronautical activities at the Airport shall submit, on a form provided by the city or in a form and manner acceptable to the City, all information and material necessary to establish to the satisfaction of the City that the Operator and the proposed activity(s) will qualify and comply with these Minimum Standards. The Operator making the

request shall provide the following information and documentation, together with such other information or documents as may be requested by the City.

A. Identification/Qualifications:

- 1. The Operator's name, address, and the proposed activity (s).*
- 2. A copy of all applicable licenses, certificates and permits required by law, rule or regulation to conduct the requested aeronautical activity.*
- 3. The proposed location, and date for commencement and the duration of the activity.*

B. Financial Capability:

- 1. The detail regarding any new structure or facility or modification of an existing facility including the estimated cost and the proposed specifications (site plan, architectural elevations and drawings).*
- 2. Evidence of financial capability to construct or modify facilities and perform the requested activity for the first three years of operation.*
- 3. Provide any release(s) necessary for the City to conduct a credit report.*

In considering the request, the City shall determine whether or not the Operator meets the applicable Minimum Standards and qualifications and shall grant or deny the request taking into consideration the Airport's Master Plan, Land Use Plan, and the impact the Operator's request may have upon the safety and efficiency of the operation of the Airport, the possible creation of a safety hazard to the normal operations of aircraft arriving and departing from the Airport, possible environmental concerns, etc.

The City reserves the right to approve plans and require specific changes to conform with color, building type, etc. In making its determination, the City reserves the right to consult with the Federal Aviation Administration and to disclose and discuss the Operator's proposal with the FAA.

All records submitted by an Operator in support of its request for the conduct of an aeronautical activity at the Airport will be kept confidential in so far as is allowed by North Dakota Law.

IV. Requirements for the Conduct of all Aeronautical Activities

Every Operator conducting aeronautical activities at the Airport shall satisfy the City in the following areas:

- A. That such Operator has or can reasonably be expected to meet necessary requirements of the FAA or other authority governing the proposed activity.*
- B. That such Operator has or can furnish suitable casualty, property and liability insurance and bonding (or equivalent) to protect and hold the City harmless from any and all liability in connection with the conduct of the proposed activity. The liability coverage shall be consistent with the following guidelines:*
 - 1. General tort liability Such Operator shall indemnify, defend, and hold the City and its officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, including loss of use, judgments, fines or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to the operator's conduct of an aeronautical activity and/or the use or occupancy of the Airport or the acts or omissions of such Operator's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless such injury, death or damage is caused by the gross negligence or willful misconduct of the City.*
 - 2. The City shall give such Operator reasonable notice of any claims or actions against the City which directly or indirectly affect such Operator and such Operator shall have the right to compromise and defend the same to the extent of its own interest.*

3. *While the Minimum Standards shall set minimum limits for the various types of insurance to be provided, as set forth in Appendix 1, it shall be the primary and sole responsibility of the FBO's and SASO's to determine if their operation requires insurance coverage above the minimums set in the minimum standards. The FBO and SASOs shall review their liability coverage annually and increase the coverage above the minimums, to a reasonable threshold when, in their opinion, the risk attendant to their operation has increased. In no event shall the City be liable for any shortfall in the FBO or SASO's coverage.*

4. *No aeronautical activity may be conducted under these Minimum Standards unless the Operator has provided the City a current and continuing, properly endorsed insurance certificate providing current evidence to the City of the types and levels of liability coverage in full force and effect.*

5. *Regulatory liability Such Operator agrees that if a prohibited incursion into the Air Operations Area occurs, or the safety or security of the Air Operations Area and Runway Area, or other sterile area, safety or Security Identification Display Area or other security area is breached by or due to the negligence or act or omission of any such Operator, its employees, agents, contractors or invitees and such incursion or breach results in a civil penalty action being brought against the City by the U.S. Government, such Operator will reimburse the City for all expenses, including attorney fees, incurred by the City in defending against civil penalty action and for any civil penalty or settlement amount paid by the City as a result of such incursion or breach of airfield or sterile area security. The City shall notify such Operator in a timely fashion of any allegation, investigation, or proposed or actual civil penalty sought by the U.S. Government for such incursion or breach. Civil penalties, settlement and associated City expenses that are reimbursable under this paragraph include but are not limited to those paid or incurred as a result of violation of TSAR 1542, Airport Security, TSAR 1544, Aircraft Operator Security: Air Carriers and Commercial operators; or FAR Part 139, Certification and Operations; Land Airports Serving Certain Air Carriers or as said regulations may be supplemented or amended from time to time.*

The provisions of this Section shall survive the expiration or early termination of any Agreement or Permit with the City for matters arising before such expiration or early termination.

- C. *That the Operator's controlling interest in the conduct of the aeronautical activity at the Airport shall not be transferred to another party without the prior written consent of the City.*
- D. *The Operator shall use, suitable and environmentally acceptable facilities for washing and cleaning aircraft and a means for the legal sanitary handling and disposal of all trash, waste and other materials, including but not limited to used oil, solvents and other waste, in accordance with City code.*

V. Minimum Standards for Fixed Base Operations (FBO)

A. Statement of Concept

The FBO shall perform the aeronautical activities as specified in the FBO definition contained in these Minimum Standards. Due to space requirements as specified herein, the investment required and environmental considerations, only FBOs shall be permitted to sell or dispense aviation petroleum products to third parties.

B. Space and Facility Requirements

The FBO area shall consist of at least one parcel to accommodate the building(s) and the auto parking required by City code. An additional ten percent (10%) of any building and auto parking area combined shall be added to each parcel as green space. The FBO facilities shall include a building or buildings of at least 10,000 sq.ft. of hangar space as well as a minimum of 1,500 sq. ft. of office and lounge space in support of the FBO function. The lounge area shall include passenger lounge and waiting area, pilots lounge, restrooms, flight planning room and service counter facilities and trained personnel shall be available to handle all requests for fuel sales, aircraft service such as lavatory and deicing and to arrange for aircraft storage, aircraft catering, rental cars, other ground transportation arrangements and

hotel reservations. The FBO shall also arrange with the City for adequate Transient Ramp adjacent to the leased or subleased area sufficient to accommodate all its activities and operations.

C. Sale of Aviation Petroleum Products by the FBO requires that FBO meet and comply with the following standards.

1) Fuel storage facilities shall be above ground, located in the Airport fuel farm location and constructed and maintained in compliance with all applicable Airport, City, State and Federal laws, rules and regulations and providing the following storage volumes by type:

Jet A - 20,000 gallons

Avgas - 5,000 gallons

2) 1 Jet A fuel truck of at least 5,000 gallons capacity.

1 Avgas fuel truck of at least 750 gallons capacity.

Fuel trucks shall be in compliance with all applicable Airport, City, State and Federal rules and regulations and shall be subject to inspection by the Airport under the provisions of FAR Part 139.

3) A fuel spill prevention and clean up plan, approved by the City, for both the fuel farm and the Transient Ramp.

4) Adequate uniformed, trained, line service and aircraft fueling personnel on duty 24 hours per day seven days a week. Line service personnel shall participate in annual fire safety training and other fuel service training as required by FAR Par 139. Additional reasonable airport emergency training deemed appropriate by the Airport may be requested from time to time.

5) Grounding rods at all fueling locations or proper aircraft bonding to eliminate the hazards of static electricity.

D. Other Services

- 1) *Tools, towing equipment and the demonstrated capability to efficiently and safely move aircraft and store them in compliance with local regulations.*

E. Insurance

The FBO shall carry insurance coverage in not less than the amounts specified for this aeronautical activity in Appendix I hereto.

VI. Minimum Standards for Specialized Aviation Services Operator, "SASO's"

Note: *Any FBO or any SASO may perform any of the aeronautical activities listed in this Chapter VI, provided, they meet the Minimum Standards Specified herein.*

A. Airframe and Engine Maintenance and Repair and/or Modification & Specialized Aircraft Repair Services

1. Statement of Concept.

An Operator engaged in the business of providing one or a combination of Federal Aviation Administration approved shop(s) for airframe and power plant overhaul and repair services including the sale of new or used aircraft parts and accessories or Specialized Aircraft Repair Services for the repair of aircraft radios, avionics, propellers, instruments, and accessories for general aviation aircraft.

2. Minimum Standards

- (a) *The operator shall have a lease or sublease approved by the city.*

If by sublease the facilities shall include at least 5,000 square feet of hangar space plus the right to enter and use an office, customer lounge and rest rooms, all properly heated and lighted in the same building. The Operator shall, through the City or the Operator's lessor, provide or arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public.

If by lease for new facilities, the area shall consist of at least one parcel to accommodate the building and the auto parking required by City Code. An additional ten percent (10%) of the building and auto parking area combined

shall be added to the parcel as green space. The operator's facilities shall be at least 5,000 square feet of hangar space plus an office, customer lounge and restrooms, all properly heated and lighted in the same building. The Operator shall also arrange with the City for adequate Transient Ramp adjacent to the leased or subleased area sufficient to accommodate all its activities and operations

- (b) The Operator shall obtain and maintain, the Certificate(s) as required in the current Federal Aviation Regulations which are applicable to the operation or operations contemplated.*
- (c) The Operator shall be required to remain open during normal business hours, five (5) days each week, and be on call for emergency services.*
- (d) The Operator shall have in its employ, and on duty during the normal business hours, licensed and trained personnel required to meet the minimum standards set forth in this category of services. In the operator's absence, they shall maintain during all business hours, an Operator In Charge authorized to represent and act for and on behalf of the Operator, to supervise the operations in the leased or subleased area on the Airport.*
- (e) The Operator shall have the requisite tools, towing equipment and the demonstrated capability to efficiently and safely move aircraft and store them in compliance with local regulations.*

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix 1 hereto.

B. Aircraft Sales (New and/or Used)

1. Statement of Concept

An Operator engaged in the sale of new and/or used aircraft.

2. Minimum Standards

(a) *The Operator shall provide, through an FBO or Airframe and Engine Maintenance and Repair and/or Modification SASO, the necessary facilities for demonstrating and servicing the aircraft. The agreement between the Operator and the FBO/SASO for the conduct of this aeronautical activity shall be mutually agreed upon between the parties and approved by the City.*

(b) *The Operator performing the services under this category will comply with North Dakota Century Code Chapter 2-08.*

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

C. Flight Training

1. Statement of Concept

An Operator engaged in instructing pilots or student pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, and/or providing such related ground school instruction as is necessary and preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and rating involved.

2. Minimum Standards

(a) *The Operator shall have a lease or sublease approved by the City, to an area of at least 200 square feet of multiple use space suitable for classroom, study and office functions plus the right to enter and use a customer lounge and rest rooms, all properly heated and lighted in the same building. The Operator shall through the City or Operator's lessor provide or arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public. The Operator shall arrange with the City for adequate Transient Ramp to accommodate all activities and operations.*

- (b) *The Operator shall instruct student pilots in dual and solo flight in fixed wing and/or rotor aircraft. The Operator shall also provide such related ground school instruction as is necessary and preparatory to a student taking a written examination and flight check ride for a private or commercial pilot's license and/or appropriate instrument or instructors ratings from the FAA. The Operator shall meet the continuing requirements for certification by the Federal Aviation Administration. The Operator shall have available (owned or leased) a sufficient number of FAA certificated aircraft to adequately handle the number of students contemplated, but not less than one aircraft, which shall be equipped to provide the type of instruction contemplated.*
- (c) *Weather permitting, the Operator shall be available for business at least eight (8) hours a day, five (5) days a week, including Saturdays and Sundays.*
- (d) *The Operator shall be or have at least one certified flight instructor.*

3. *Insurance*

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

D. *Aircraft Charter and Air Taxi (Air Carrier)*

1. *Statement of Concept*

An Operator engaged in the business of providing air transportation to the general public for hire, either on a charter basis or as an air taxi operator, as defined in the Federal Aviation Act of 1958, as said Act may be supplemented or amended from time to time.

2. *Minimum Standards*

- (a) *The Operator shall have access, by lease or sublease approved by the City, to an area of at least 500 square feet of space plus the right to enter and use a*

customer lounge and rest rooms all properly heated and lighted in the same building. The Operator shall arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public. The Operator shall arrange with the city for adequate transient ramp to accommodate all activities and operations.

(b) The Operator shall provide:

(1) Aircraft charter service (Commercial Operations) as

defined in part 135 of the Federal Aviation Regulations; or

(2) Air taxi service subject to Part 298 of the Economic Regulations of the Federal Aviation Act and Part 119 of the Federal Aviation Regulations.

(3) At least one aircraft, leased, or owned, with the Operator being capable of providing air taxi/charter service under Instrument Flight Rules.

(c) The charter and/or taxi service shall be available during normal business hours, five (5) days a week and on call for emergency services.

(d) The Operator shall have in its employ, and on duty during the normal business hours, licensed and trained personnel required to meet the minimum standards set forth in this category of service. The Operator shall provide reasonable assurance of a continued availability of FAA licensed and qualified operating crews and FAA certificated aircraft with a reasonable or specified maximum notice period of four (4) hours.

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

E. Aircraft Rental and Lease

1. Statement of Concept

An Operator engaged in either rental or lease of aircraft to the public.

2. Minimum Standards

(a) *The Operator shall have access, by lease or sublease*

approved by the City, to an area of at least 200 square feet of office space plus the right to enter and use a customer lounge and rest rooms, all properly heated and lighted in the same building. The Operator shall through the City or the Operator's lessor, provide or arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public. The Operator shall arrange with the City for adequate Transient Ramp to accommodate all activities and operations.

(b) *The Operator shall make available during specified hours, at least one FAA certificated and currently airworthy aircraft.*

(c) *As a minimum, the Operator's services shall be available to prospective users of the aircraft and services during normal business hours, five (5) days a week.*

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

F. Specialized Commercial Flying Services

1. Statement of Concept

An Operator engaged in air transportation for hire for the purpose of providing the use of aircraft for activities specifically excluded from part 119 of the Federal Aviation Regulations unless the activity has been determined to be incompatible and

is not authorized at the Bismarck Airport or, a specific standard is prescribed for the aeronautical activity in these minimum standards.

2. *Minimum Standards*

- (a) *The Operator shall have access, by lease or sublease approved by the City, to an area of at least 200 square feet of office space plus the right to enter and use a customer lounge and rest rooms, all properly heated and lighted in the same building. The Operator through the City or Operator's lessor shall provide or arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public. The Operator shall arrange with the City for adequate Transient Ramp parking apron sufficient to accommodate all activities and operations.*
- (b) *The Operator shall have at least one aircraft (owned or leased) properly equipped and certificated by the FAA to perform the category of service to be provided.*
- (c) *The Operator shall have in its employ, and on duty during appropriate business hours, licensed and trained personnel required to meet the minimum standards set forth in this category of service.*
- (d) *The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.*

3. *Insurance*

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix 1 hereto.

G. Aircraft Storage

1. Statement of Concept

An Operator engaged in the construction and rental of T-type or open bay hangar storage facilities to the general public. If the hangar storage is a T-hangar, this category does not require the furnishing of any services by the Operator which might in any way place the care, custody, and control of the aircraft in the Operator.

2. Minimum Standards

(a) *The Operator shall have a lease or a sublease approved by the City for a parcel of land adequate to meet the hangar requirements specified in paragraph (b)(1) hereof, including set backs. The hangar shall be in accordance with design and construction standards required and established by the City for the facility. The Operator through the City or Operator's lessor shall provide or arrange for adequate paved auto parking sufficient to accommodate all activities and operations. The Operator shall also arrange with the city for adequate transient ramp adjacent to the leased or sub-leased area sufficient to accommodate all of its activities and operations.*

(b) *Minimum space and area requirements are as follows:*

(1) *Hangars shall be of a size sufficient to accommodate at least eight (8) single engine aircraft.*

(2) *Hangars shall be heated to at least 35° F or have wiring for block heaters and have electric doors.*

(3) *Operator of an open bay hangar shall have qualified staff available to provide "in and out" service seven (7) days a week from 6 a.m. to 8 p.m. on two (2) hours notice.*

(c) *The Operator shall provide a telephone contact for the convenience of customers desiring to rent hangar space and shall provide access assistance*

to its tenants (in the event of a jammed door, open or shut) on not less than two hours notice.

(d) The Operator shall limit use of the hangar to aircraft storage only.

3. *Insurance*

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

H. *Air Cargo Operations and Handling*

1. *Statement of Concept*

A non-signatory Operator using aircraft and ground vehicles to enplane, deplane, load or unload air freight/cargo at the Airport.

2. *Minimum Standards*

(a) The Operator (either an air cargo carrier or a ground cargo handler) shall have the right to enter and use of the transient ramp in exchange for which it shall register with the City and obtain a Commercial Operating Permit.

(b) In order to have the right to enter and use the Airport's Transient Ramp, the Operator (either an air cargo carrier or a ground cargo handler) shall register with the Airport Manager and obtain a Commercial Operating Permit from the City which will designate the location of its operation on the Transient Ramp, assess a fee for use of the Airport and require insurance coverage as stated in paragraph 3 of this Section.

(c) The air cargo carrier Operator shall be in possession of all requisite Federal and State licenses for the conduct of its operation at the Airport.

(d) The ground cargo handler Operator shall be in possession of a valid drivers license, with all required appropriate endorsements.

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix 1 hereto.

I. Commercial Parachuting and Skydiving

1. Statement of Concept:

An operator engages in the transportation of persons for skydiving, instruction in skydiving, and rental and sales of skydiving equipment.

2. Minimum Standards

- (a) *The Operator shall have access, by lease or sublease approved by the City, to an area of at least 500 square feet of office space plus the right to enter and use a customer lounge and rest rooms all properly heated and lighted in the same building. The Operator shall arrange for adequate paved auto parking sufficient to accommodate all activities and operations with access available to the general public. The Operator shall arrange for adequate transient ramp to accommodate all activities and operations.*
- (b) *The Operator shall have available for skydiving, either owned or under written lease, at least one properly certificated and air worthy aircraft*
- (c) *The operator shall meet or exceed the Basic Safety Requirements (BSR) of the United States Parachute Association (USPA), FAR 105, and related FAA Advisory Circulars. The jump plane pilot must hold a FAA commercial pilot certificate and be appropriately rated for the aircraft being operated.*
- (d) *The Operator shall confine its activities to a designated location on the airport.*
- (e) *The drop zone shall be outside of Class "D" airspace.*

3. Insurance

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

J. Aerial Application

1. Statement of Concept

An Operator engaged in the business of providing aerial application of fertilizer, insecticide, pesticide and other products applied by aerial application methods, for hire, as defined in Federal Aviation Regulation 137 and North Dakota Century Code 06-02-02 as said regulations may be supplemented or amended from time to time.

2. Minimum Standards

(a) *The Aerial Applicator area shall consist of one parcel of at least 10,000 square feet. The Operator facilities on the leasehold shall include a building with at least 500 square feet that includes office space, a customer lounge and rest rooms all properly heated and lighted in the same building. The Operator shall include adequate paved auto parking sufficient to meet the City code.*

(b) *In addition, the Operator shall have on the leasehold a permanent chemical storage containment area that includes secondary containment for all chemicals stored on the leasehold area. Containment shall be of concrete or other approved impervious barrier and shall hold no less than 110% of capacity of the storage tanks. The Storage area shall meet applicable local, state and federal requirements including but not limited to the North Dakota Pesticide Act and the Uniform Fire code as amended.*

(c) *In addition, the Operator shall include a concrete pad for parking the aircraft while loading/unloading chemical products on the aircraft. The pad shall be of sufficient size to prevent any part of the aircraft from overhanging of the pad when aircraft are taxiing, turning, or parking. All operations involving chemical products shall be done in strict conformance with all applicable local, state and federal requirements for containment, spill protection, rinsate*

storage, filtering and other means necessary, to adequately protect from contaminating ground water, sanitary sewer, storm water runoff and other watershed sources.

- (d) The Operator shall provide:
No less than one aircraft, leased, or owned, with the Operator being capable of providing service in accordance with FAR part 137 and North Dakota Century Code Chapter 6-02-02. The aircraft shall have a radio capable of two way communication with air traffic control.*
- (e) The operator shall be available during normal business hours, five (5) days a week during seasonal demand for this service and on call for emergency services.*
- (f) The Operator shall have in its employ, and on duty during the appropriate business hours, licensed and trained personnel required to meet the minimum standards set forth in this category of service.*
- (g) The Operator shall obtain and maintain the certificates (s) as required by the current Federal Aviation Regulations which are applicable to the operation(s) contemplated.*
- (h) Layout and design of the Aerial Applicator facility is subject to City approval.*

3. **Insurance**

The Operator performing the services under this category will be required to carry insurance coverage at not less than the limits specified for this aeronautical activity in Appendix I hereto.

VII. Incompatible Aeronautical Activities

After review, the City of Bismarck believes that the following activities are incompatible with frequent part 121 and cargo carrier operations at the Bismarck Airport and, as such, would create potentially hazardous conditions:

- *Aerial advertising (Banner Towing)*
- *Ballooning*
- *Motorized parasail*
- *Ultra light aircraft operations*
- *Glider Towing*

Consistent with this determination, minimum standards are not established for these commercial activities and they are not authorized at the Bismarck Airport.

VIII. Implementation

Implementation of Minimum Standards for the Conduct of Commercial Aeronautical Activity at the Airport shall commence:

A. *For New Businesses:*

Upon passage by the City for any new operator seeking to lease property for new facilities to conduct a commercial aeronautical activity at the Airport.

B. *For Existing Businesses:*

On January 1, 2006 for those commercial aeronautical service providers which have a current lease with the City for facilities at the airport or a commercial operating permit with the City.

C. *Green Space Requirements/Exception:*

Green space standards, where required, for Fixed Base Operators (FBO) and Specialized Aviation Service Operators (SASO) shall:

- 1. *Commence upon passage of the Minimum Standards by the City for any new operator seeking to lease property for new facilities to conduct business at the Airport.***

2. *Commence when an established operator who has a current lease with the City for facilities at the airport either:*

a. *Conducts extensive remodeling of their existing facilities*

b. *Extends, renegotiates, sells, assigns, or terminates their existing lease and there is the opportunity to meet the green space requirement.*

c. *Relocates the existing facility (building(s)).*