
GLS

AIRPORT MINIMUM OPERATING STANDARDS

November 22, 1999

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Article 1 - Definitions; Application; Waiver

Section 1-1. Definitions.

All definitions contained in the 1997 Minimum Standards for a Fixed Base Operator and the airport rules and regulations are incorporated by reference into these minimum operating standards. For purposes of these minimum operating standards, all references to the “rules and regulations” are to the airport rules and regulations.

Section 1-2. Application of minimum operating standards.

All persons conducting commercial aeronautical activities at the airport (hereinafter referred to as commercial airport operator), shall, as a condition of conducting such activities, comply with all applicable requirements concerning such activities as set forth in these minimum operating standards and any amendments thereto. The requirements set forth herein are the minimum standards which are applicable to persons conducting commercial aeronautical activities at the airport and person are encouraged to exceed such minimum standards in conducting their activities. These minimum operating standards shall be deemed to be a part of each commercial airport operator’s lease, license, permit or agreement with or from the city unless any provisions are waived or modified by the City. The mere omission of any particular standards from a commercial airport operator’s written lease, license, permit or agreement with the City shall not constitute a waiver or modification of such standard in the absence of clear and convincing evidence that the City intended to waive or modify such standard.

Section 1-3. Multiple activities by one commercial airport operator.

Whenever a commercial airport operator conducts multiple activities pursuant to one lease or agreement with the City, such commercial airport operator must comply with the minimum standards set forth herein for each separate activity being conducted. If the minimum standards for one of the commercial airport operator’s activities are inconsistent with the minimum standards for another of the commercial airport operator’s activities, then the minimum standards which are most beneficial to the City, and/or which are most protective of the public’s health, safety and welfare, shall apply.

Section 1-4. Activities not covered by minimum operating standards.

Any activities for which there are no specific minimum standards set forth herein shall be subject to such standards and provisions as are developed by the Airport Director on a case-by-case basis and set forth in such commercial airport operator’s written lease or agreement with or from the City.

Section 1.5. Waiver or modification of standards.

The Airport Director may waive or modify any portion of these minimum operating standards for the benefit of any governmental agency performing non-profit services, fire protection or fire-fighting operations. The Airport Director may also waive or modify any portion of these minimum operating standards for any person when it is determined that such waiver or modification is in the best interest of the City and will not result in unjust discrimination among commercial airport operators at the airport.

Article 2 - Application Process

Section 2-1. Applications.

Any person who desires to conduct any commercial aeronautical activities at the airport covered by these minimum operating standards shall, prior to conducting such activities, submit an aeronautical business application to, and receive approval thereof, from the Airport Director. In addition to the following requirements, the Airport Director may require the applicant to provide additional information which is necessary to ensure compliance with the City of Galveston Code, rules and regulations, and/or these minimum operating standards. The applicant shall, at minimum, submit the following documentation with the above-referenced application:

- (a) a detailed description of the scope of the intended operations, including all services to be offered;
- (b) the amount of land, office space, and/or aircraft storage areas required for the operation;
- (c) a detailed description of any improvements or modifications to be constructed or made to airport property, including cost estimates and a construction timetable;
- (d) the proposed hours of operation;
- (e) documentation of the applicant's financial capabilities to construct any improvements and to conduct any proposed activities;
- (f) a detailed description and/or evidence of the applicant's technical abilities and experience in conducting the proposed activities, including personal references;
- (g) the commencement date for the applicant's activities and the term of the lease or agreement sought, including all option periods;
- (h) one of the following:
 - 1. If the applicant is a corporation, a copy of the articles of incorporation as filed with the Corporation Commission;
 - 2. If the applicant is a limited liability company, a copy of the articles of organization filed with the Corporation Commission;
 - 3. If the applicant is a limited partnership, a copy of the certificate of limited partnership filed with the Secretary of State; or

4. If the applicant is a general partnership, a copy of the written partnership agreement;
- (i) an original copy of the certificate of insurance, in the amounts outlined hereunder, naming the City as an additional insured;
- (j) a copy of a lease/sublease or other agreement with the City or a bona fide airport tenant;
- (k) a rates and charges schedule of all services to be conducted at Scholes International Airport; and
- (l) copies of applicable Federal Aviation Administration (FAA) certificates.

Section 2-2. Processing; denial.

The Airport Director shall be responsible for processing an application for a lease or agreement to conduct activities at the airport. The Airport Director may deny any application if the Airport Director determines that:

- (a) the applicant does not meet the qualifications and standards set forth, the rules and regulations or these minimum operating standards;
- (b) the proposed activities are likely to create a safety hazard at the airport;
- (c) the activities will require the City to expend funds, or to supply labor or materials as a result of the applicant's activities, or will result in a financial loss to the airport;
- (d) no appropriate space or land is available to accommodate the proposed activities;
- (e) the proposed activities are not consistent with the airport's master plan and/or airport layout plan;
- (f) the proposed activities are likely to result in a congestion of aircraft or buildings, a reduction in airport capacity, or an undue interference with airport operations or the operations of any existing airport users at the airport;
- (g) the applicant or any of its principals has knowingly made any false or misleading statements in the course of applying for a lease;
- (h) the applicant or any of its principals has a record of violating the rules and regulations, these minimum operating standards, federal aviation regulations or any other applicable laws, ordinances, rules or regulations;
- (i) the applicant does not have the technical capabilities or experience or financial resources to properly conduct the proposed activities;

- (j) the applicant has not submitted appropriate documentation supporting the proposed activity as outlined in section 2-1.

Section 2-3. Appeal Process.

The applicant shall have the ability to appeal the denial of an application by the Airport Director, subject to the following provisions:

- (a) providing written notice of appeal to the Airport Director within ten (10) days of said denial.
- (b) the notice of appeal will be forwarded to the City Manager for review.
- (c) the City Manager shall render its decision in writing within ten (10) calendar days of receipt of the notice of appeal and the decision shall be final as to the denial or approval of the application.

Article 3 - General Contractual Provisions

Section 3-1. General Provisions.

All leases or agreements with the City which affect the airport are subject to the following provisions:

- (a) rights to engage in specific activities at the airport are non-exclusive.
- (b) defense and indemnification of the City and its elected or appointed officials, officers, representatives, directors, commissioners, agents and employees from and against all damages, claims, suits, actions, losses and expense (including court costs and reasonable attorney's fees) for personal injury or death or for property damage or loss arising out of the use of the airport;
- (c) a termination clause allowing the City to terminate the commercial airport operator's lease or agreement no later than ten (10) days after written notice of default is given to the commercial airport operator if the commercial airport operator fails to cure its default within the ten (10) day period, and allowing the City to terminate the lease or agreement immediately if the commercial airport operator fails to maintain the required insurance.
- (d) no improvements or modifications to airport property without the prior written consent of the Airport Director and without posting appropriate payment and performance bonds. Before commencing any improvements or modifications, the commercial airport operator shall submit detailed construction plans and specifications to the Airport Director. Upon completion of the construction, the commercial airport operator shall provide the City with two (2) complete sets of detailed plans and specifications of the work as completed. **All improvements or modifications made to the airport property shall become the property of the City, at no cost to the City, upon termination of the commercial airport operator's lease or agreement.**
- (e) no lease, agreement, or rights there under, shall be assigned without the prior written consent of the City. The Airport Director may require any potential assignee to submit biographical and financial information at least thirty (30) days prior to a proposed assignment.
- (f) all FAA required provisions.

Article 4 - Insurance

Section 4-1. General insurance requirements.

Except as otherwise provided, each commercial airport operator shall at all times maintain in effect the following types and minimum amounts of insurance as applicable to the business to be conducted and as determined by the City's Risk Manager :

General Liability	Determined by Risk Manager
Hangar keeper's Liability	Determined by Risk Manager

- (a) such insurance policies shall name the City as an additional insured.
- (b) City reserves the right to increase and expand the minimum liability insurance as set forth in the lease or agreement whenever the liability of the city under the Texas Tort Claims Act increases or areas of risk are expanded.

Section 4-2. Additional insurance required by City's Risk Manager.

In addition to the types and amounts of insurance required by section 4-1, each commercial airport operator shall at all times maintain such other insurance as the City's Risk Manager may reasonably determine to be necessary for such commercial airport operator's activities.

Section 4-3. Form; acceptance by City.

All insurance shall be in a form and from an insurance company licensed to do business in the State of Texas. All policies, except workers' compensation policy, shall name the city as "Additional Insured," and the commercial airport operator shall furnish certificates of insurance evidencing the required coverage cited herein prior to engaging in any commercial aeronautical activities. Such certificates shall provide for unequivocal thirty (30) day notice of cancellation or material change of any policy limits or conditions.

Article 5 - General Operational Requirements

Section 5-1. Airport rules and regulations.

Each commercial airport operator shall abide by the City of Galveston Code, rules and regulations and any other documents established by the City for the safe, orderly and efficient operation of the airport.

Section 5-2. Taxiway access.

If not already provided, each commercial airport operator conducting aeronautical activities shall provide paved access from its leased premises to the airport's taxiway/apron system. Such access shall meet all applicable FAA standards for the largest aircraft type anticipated to use the commercial airport operator's premises.

Section 5-3. Right-of-entry reserved.

The City reserves the right at all reasonable times to enter upon each commercial airport operator's premises for any lawful purpose, provided that such entry does not unreasonably interfere with the commercial airport operator's use of the premises.

Section 5-4. Rates and charges.

Each commercial airport operator may determine the rates and charges for all of its activities and services, provided that such rates and charges shall be reasonable and fairly applied to all of the commercial airport operator's customers.

Section 5-5. Personnel, subtenants and invitees; control and demeanor

Each commercial airport operator shall employ a sufficient number of trained, on-duty personnel to provide for the efficient, safe, orderly and proper compliance with its obligations under its lease or agreement. Each commercial airport operator shall control the conduct and demeanor of its personnel, subtenants, licensees and invitees and, upon objection by the City concerning the conduct or demeanor of any such person, the commercial airport operator shall immediately take all lawful steps necessary to remove the cause of the objection. Each commercial airport operator shall conduct its operations in a safe, orderly, efficient and proper manner so as not to unreasonably disturb, endanger or be offensive to others.

Section 5-6. Interference with utilities and systems.

No commercial airport operator shall do or permit to be done anything that may interfere with the effectiveness or accessibility of any public utility system, drainage system, sewer system, fire protection system, sprinkler system, alarm system or fire hydrant and hoses.

Section 5-7. Fire equipment.

Each commercial airport operator shall supply and maintain such adequate and readily accessible fire extinguishers and equipment as may be required by law and/or the City's fire department.

Section 5-8. Vehicle Identification.

Any vehicle used in the airside area must bear identification designating the commercial airport operator to whom the vehicle is assigned. Letters shall be a minimum of three (3) inches in height on a contrasting background and displayed in a manner that is acceptable to the Airport Director.

Section 5-9. Indemnification.

To the fullest extent permitted by law, any person accessing or using the airport or any of its facilities and the person's successors, assigns and guarantors, shall indemnify, defend, pay and hold the city, its agents, employees, officials, directors, officers, commissioners and representatives harmless from and against all claims, demands, charges, penalties, obligations, fines, administrative and judicial actions or proceedings, suits, liabilities, judgments, damages, losses, costs and expenses of any kind or nature (including, but not limited to, attorney fees and expenses, expert witness and consultant fees and expenses, arbitration fees, court costs and the cost of appellate proceedings) arising from said access or use, or from any other act or omission of said person (and its employees, agents or anyone for whose acts or omissions said person may be liable) including, without limitation, the discharge of any duties or the exercise of any rights or privileges pursuant to this chapter or any regulations or minimum operating standards promulgated hereunder. This section applies, without limitation, to claims of personal injury, bodily injury, sickness, disease or death, and to claims of property damage (including City property), destruction or other impairment of every description (including, without limitation, loss of use), and to claims or environmental property damage (including, without limitation, cleanup, response, removal and remediation costs).

Article 6 - Fixed Base Operators

Section 6-1. Statement of concept.

(a) A fixed base operator means a person engaged in a wide range of commercial and aeronautical activities on airport property including, at a minimum, the following:

1. aircraft fueling;
2. aircraft line services;
3. major aircraft repair services;
4. aircraft storage;
5. sale of aircraft parts and accessories; and
6. provision of customary services to general aviation users, such as public rest-rooms, waiting lounges, conference rooms, crew lounges and flight planning services.

(b) A fixed base operator shall comply with all of the standards and requirements contained in this article. In addition, a fixed base operator may engage in any general aviation specialty service activities identified in article 7 (and which are not already specifically required by this section) upon meeting all standards identified for those specific activities with the exception of those standards related to minimum required office space.

Section 6-2. Land for aircraft operating area.

A fixed base operator shall operate from at least 5,000 square feet of contiguous airport property for its aircraft operating area (independent of any building area, automobile parking area, and fuel storage area).

Section 6-3. Hours of operation.

Unless otherwise agreed in writing by the Airport Director, a fixed base operator shall provide aircraft fueling and line services seven (7) days-per-week as business warrants, and shall keep the fixed base operation open for general aircraft maintenance at least eight (8) hours-per-day, five (5) days-per-week. The fixed base operator shall also be on-call on a twenty-four (24) hour basis.

Section 6-4. Subcontracting services; restrictions.

A fixed base operator may not subcontract any of the activities identified in section 6-1. If the activity is not identified in section 6-1, a fixed base operator may subcontract any activities included in article 7, provided that such subcontractor meets the requirements in article 7 and operates from the fixed base operator's premises and in such areas as are approved by the Airport Director.

Section 6-5. Minimum requirements of FBO services.

(a) Aviation fueling.

1. A fixed base operator shall comply with the National Fire Protection Association's codes and standards, as amended, FAA Advisory Circular 150/5230-4, as amended, all requirements of the rules and regulations, and all other applicable laws related to aircraft fuel handling, dispensing and storage.
2. A fixed base operator shall at all times maintain the ability to provide a reasonable supply of aviation gasoline and turbine fuel for airport users, in an area to be designated by the Airport Director. A fixed base operator shall not construct or modify any fuel storage or distribution facilities without the written consent of the City and without complying with all City safety standards. The City may inspect such facilities periodically to ensure the compliance with all standards.
3. A fixed base operator shall provide dispensing equipment sufficient to serve the needs of the airport. All equipment must be approved by the Airport Director and shall meet all City safety standards. The metering devices shall be annually inspected, checked and certified by appropriate state and local agencies. The City may inspect such equipment periodically to ensure compliance with all standards.
4. A fixed base operator shall require all of its fuel-handling personnel to attend training courses, obtain a fuel handler's permit, and receive periodic refresher training as required by the Airport Director and the City fire department. A fixed base operator shall develop a standard operating procedure for aviation fueling activities and provide a current copy of the same to the Airport Director. The city and FAA will periodically conduct inspections of the fixed base operator's activities and personnel to ensure adherence to safe practices.

(b) Aircraft line services.

1. A fixed base operator shall employ and have on-duty during normal business hours at least one person capable of providing aircraft marshaling service.
2. A fixed base operator shall provide aircraft towing equipment to safely and efficiently move aircraft as necessary.
3. A fixed base operator shall maintain tools, jacks, tugs, tire repair equipment, emergency starting equipment, portable compressed air tanks, fire extinguishers, chocks, ropes and tiedown supplies as are necessary for the servicing of aircraft types expected to use the airport.

(c) Major aircraft repair services

1. A fixed base operator shall provide major airframe, engine and accessory overhaul repair services on aircraft, including jet and propeller aircraft.
2. Provide sufficient shop space, equipment, supplies and availability of parts equivalent to that required for certification by the FAA as an approved repair station.
3. Either: (1) employ and have on-duty during normal business hours at least one person who is currently certified by the FAA with ratings appropriate to the work being performed and who holds an airframe, powerplant, or aircraft inspector rating; or (2) maintain a current FAR Part 145 Certificate.

(d) Aircraft storage.

1. A fixed base operator shall lease, rent or license aircraft storage facilities to aircraft owners or operators solely for aircraft storage purposes.

(e) Sale of aircraft parts and accessories.

1. A fixed base operator shall provide retail sales of aircraft parts and accessories as are necessary for the servicing of aircraft types expected to use the airport.

Section 6-6. Insurance.

Except as otherwise provided, each commercial airport operator shall at all times maintain in effect the following types and minimum amounts of insurance as applicable to the business to be conducted and as determined by the City Risk Manager:

General Liability	Determined by Risk Manager
Hangar keeper's Liability	Determined by Risk Manager

- (a) such insurance policies shall name the City as an additional insured.
- (b) City reserves the right to increase and expand the minimum liability insurance as set forth in the lease or agreement whenever the liability of the City under the Texas Tort Claims Act increases or areas of risk are expanded.

Section 6-7. Monthly aeronautical fee.

- (a) Fixed base operators shall pay an airport fuel flowage fee, as identified in the airport rates and fees schedule, for fuel purchased during the calendar month just ended.
- (b) Fixed base operators shall not sublease, permit or allow any other person to operate as a general aviation specialty service operator within the leased or permitted area, or conduct any business venture which directly or indirectly relates to aeronautics or flight, without prior written approval of the City/ Airport Director.
- (c) All payments due the City shall be accompanied by forms prescribed by the Airport Director's office.

Article 7. - General Aviation Specialty Services

Section 7-1. Aircraft sales services.

An aircraft sales services operator means a person engaged in the sale of new and/or used aircraft and shall:

- (a) lease from the City a minimum of 100 square feet of office space and a hangar facility including restroom and paved parking area.
- (b) maintain an approved Aircraft Dealers Certificate from the State of Texas.
- (c) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-2. Aircraft maintenance and repair services.

An aircraft maintenance and repair services operator means a person providing one or more of the following services, airframe, engine or accessory overhaul; repair services on aircraft, including jet aircraft and helicopters; and sales of aircraft parts and accessories. An aircraft maintenance and repair services operator shall:

- (a) lease sufficient land to accommodate the proposed operations.
- (b) provide hangar facilities office space, a paved aircraft parking apron, an adequate number of paved automobile parking spaces for its customers, and restrooms on its premises.
- (c) provide sufficient shop space, equipment, supplies and availability of parts equivalent to that required for certification by the FAA as an approved repair station.
- (d) either: (1) employ and have on-duty during normal business hours at least one person who is currently certified by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant, aircraft inspector rating; or (2) maintain a current FAR Part 145 Certificate.
- (e) not conduct major maintenance, repair operations, or business activities at any time inside hangars or other structures not designed for such function. Specific lease agreement and/or City fire codes shall determine what hangars or other structures shall be approved for major maintenance activities.

- (f) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-3. Aircraft leasing or rental services.

An aircraft leasing or rental services operator means a person engaged in the leasing or rental of aircraft to the public. An aircraft leasing or rental services operator shall:

- (a) lease from the City a minimum of 100 square feet of office space.
- (b) employ and have on-duty during normal business hours at least one person.
- (c) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-4. Flight training services.

A flight training services operator means a person engaged in instructing pilots in dual and solo flight training, in fixed-wing and/or rotary aircraft, and providing such related ground school instruction as is necessary to take a written examination and flight check ride for the categories of pilot's licenses and ratings involved. A training services operator shall:

- (a) lease from the City a minimum of 100 square feet of office space.
- (b) provide adequate classroom facilities for the amount and type of training involved.
- (c) employ and have on-duty during normal business at least one instructor who is currently certified by the FAA to provide the type of training offered.
- (d) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-5. Specialized aircraft repair services.

A specialized aircraft repair services operator means a person engaged in the business of repairing aircraft radios, avionics, instruments, propellers, accessories, upholstery, painting and/or similar aircraft components. A specialized aircraft repair services operator sells new or used parts and components necessary for such repairs. A specialized aircraft repair services operator shall:

- (a) lease sufficient land to accommodate proposed operations.
- (b) provide hangar facilities, office space, a paved aircraft parking apron, an adequate number of paved automobile parking spaces for its customers, and restrooms on its premises.
- (c) provide sufficient shop space, equipment, supplies and availability of parts equivalent to that required for certification by the FAA as an approved repair station.
- (d) either: (1) employ and have on-duty during normal business hours at least one person who is currently certified by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant, aircraft inspector rating; or (2) maintain a current FAR Part 145 Certificate.
- (e) not conduct major maintenance, repair operations, or business activities at any time inside hangars or other structures not designed for such function. Specific lease agreement and/or City fire codes shall determine what hangars or other structures shall be approved for major maintenance activities.
- (f) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-6. Aircraft charter services.

An aircraft charter services operator means a person engaged in the business of providing air transportation of persons or property to the general public for hire, either on a charter basis or as defined by the FAA under Part 135. Aircraft charter services may include the performance of aircraft management services as defined in these minimum operating standards, as long as all requirements of such services are met. An aircraft charter services operator shall:

- (a) lease from a bona fide airport tenant or the City a minimum of 100 square feet of office space.
- (b) employ and have on-duty during normal business hours at least one person who holds current FAA commercial pilot and medical certificates and ratings appropriate for the operator's flight activities. All flight crews shall be properly rated for the aircraft operated, and the operator shall provide reasonable assurance of the continued availability of qualified operating crews.

- (c) own or lease exclusively by written agreement aircraft currently certified and continuously airworthy. All aircraft shall meet the requirements of the FAA certificate held by the aircraft charter service operator.
- (d) have and provide the City with, a current FAR Part 135 Certificate or provisional FAR Part 135 Certificate, as well as the aircraft identification page from the operating specifications listing all aircraft on the certificate.
- (e) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.

Section 7-7. Specialized commercial flying services.

A specialized commercial flying services operator means a person engaged in air transportation for hire for any of the following purposes: nonstop sightseeing flights that begin and end at the airport, aerial photography or survey, powerline or pipeline patrol, fire-fighting or fire patrol, airborne mineral exploration, or any other operations specifically excluded from FAR Part 135. A specialized commercial flying services operator shall:

- (a) lease from the City a minimum of 100 square feet of office space.
- (b) employ and have on-duty during normal business at least one person who holds current commercial pilot and medical certificates with appropriate ratings for the aircraft to be flown.
- (c) at all times maintain in effect the types and minimum amounts of insurance specified in article 4, for any of its activities at the airport which may be covered by such insurance.