SECTION 1. INTRODUCTION

1.1 Policy

The City of Concord, NH (the City) owns and operates Concord Municipal Airport (the Airport). The City is committed to open government and strives to consistently meet the community's expectations by providing excellent service in a positive and timely manner and in full view of the public.

The City does hereby establish the following policy concerning the Minimum Standards for conducting business on Concord Municipal Airport. The Minimum Standards are intended to be the threshold entry requirements for all parties and entities wanting to provide commercial aeronautical services to the public. They also ensure that those who have undertaken to provide commercial aeronautical services on the Airport, and who meet these standards, are not exposed to unfair or unprofessional competition.

These Minimum Standards are established based upon the existing conditions at the Airport, the existing and planned facilities at the Airport, and the current and future aviation role of the Airport. All operators and entities providing aeronautical services on the Airport are strongly encouraged to exceed the Minimum Standards.

The Airport is the site of a number of sensitive environmental resources, including state and federally protected wildlife species and habitats. A Conservation Management Agreement (CMA) was executed between the City and various state and federal agencies which designated both conservation and development zones on the Airport. All development and operations conducted on the Airport shall be in full compliance with the CMA and pertinent environmental regulations, as may be amended from time to time.

The uniform application of these Minimum Standards, including the minimum levels of service that must be offered by aeronautical service providers, relate primarily to the public interest in discouraging substandard entrepreneurs, thereby preserving the financial integrity of businesses located on the Airport as well as protecting Airport patrons.

1.2 Purpose and Scope

The purpose and scope of the Minimum Standards include:

- Promoting safety in all Airport activities; and
- Maintaining high quality commercial aeronautical services for all Airport users; and
- Providing financially equitable treatment to all Airport tenants; and
- Defining the minimum operating threshold for existing and prospective commercial operators; and
- Protection of Airport users from unlicensed and unauthorized products and/or services;
 and
- Promotion of orderly development of Airport property; and
- Providing a formalized, but negotiable, base-line for lease development; and
- Fostering mutually beneficial tenant-landlord relationships.

These Minimum Standards have been prepared in conformance with the following documents:

- FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*
- FAA Advisory Circular 150/5190-6, Exclusive Rights at Federally Obligated Airports
- FAA Order 5190.6B, Airport Compliance Manual
- FAA Airport Sponsor Assurances

Further, in conformance with the FAA Airport Sponsor assurances, the City will:

- a. Make the Airport available as an Airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the Airport.
- b. Adopt and enforce provisions requiring all service providers to:
 - (1) furnish their services on a reasonable and not unjustly discriminatory basis to all users of their services and facilities, and
 - (2) charge reasonable and not unjustly discriminatory prices for each service, provided that the Operator may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Ensure that each fixed base operator (FBO) at the Airport shall be subject to the similar rates, fees, rentals, and other charges as are uniformly applicable to all other FBOs making the same or similar uses of such Airport and/or utilizing the same or similar facilities at the Airport. Rates fees, rentals and charges may be adjusted by the Airport to reflect differences in operating and/or financial conditions pertaining to specific aeronautical service providers.
- d. Not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation basing aircraft on the Airport from performing any services [including, but not limited to maintenance, repair, and fueling] on its own aircraft with its own employees that it may choose to perform.
- e. In the event the City itself exercises any of the rights and privileges referred to in these Minimum Standards, the City will provide the services on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the City under these provisions.
- f. Establish such reasonable and not unjustly discriminatory conditions to be met by all users of the Airport as may be necessary for the safe and efficient operation of the Airport.
- g. Prohibit or limit any given type, kind, or class of use of the Airport if such action is necessary for the safe and efficient operation of the Airport, or if it is necessary to serve

the civil aviation needs of the public, and if such limits are specifically approved by the FAA and the New Hampshire Department of Transportation (NHDOT).

i. Permit no exclusive right for the use of the Airport by any person providing, or intending to provide, commercial aeronautical services to the public. However, at the City's sole discretion, if the City chooses to provide one or more commercial aeronautical services it may prohibit other entities from providing a similar aeronautical service(s) at the Airport.

In addition, all Operators providing commercial aeronautical services on the Airport will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

These Minimum Standards may be amended by the City from time to time as conditions require, or to establish Minimum Standards for additional aeronautical services in accordance with applicable FAA and/or NHDOT guidelines and requirements, Airport rules and regulations, and City Ordinances or Codes, as appropriate.

1.3 Applicability

To encourage growth and development of the Airport and to facilitate the development of adequate aeronautical services and facilities for Airport users, the City has established these standards and requirements (the "Minimum Standards") for provision of certain aeronautical services at the Airport.

Pursuant to the requirements established by the City, no person, party, or entity shall conduct any commercial activity or otherwise transact business on the Airport without first obtaining the necessary authorization, approval, or permit as may be required by the City.

These Minimum Standards establish the criteria by which the City shall consider requests from prospective aeronautical service providers to do business on the Airport, as well as the Minimum Standards that aeronautical service providers shall comply with while operating on the Airport.

These Minimum Standards shall apply to all Commercial Aeronautical Service providers, with the exceptions noted below. These Minimum Standards do <u>not</u> apply to:

- The City itself, unless it provides a commercial aeronautical service defined in these Standards.
- Certificated air carriers providing scheduled passenger and/or cargo service operating under a separate lease and/or operating agreement with the Airport;
- Non-aeronautical commercial service providers such as restaurants, rental cars, concessions, taxis, buses, airport shuttles, etc., located on or otherwise serving the Airport;
- Non-commercial Airport tenants, including private aircraft owners and operators operating under 14 CFR Part 91, except as noted in Sections 8 and 9, below.
- Aircraft operators and service providers that are not based at the Airport but that use

the Airport on a transient or itinerant basis and comply with all applicable rules, regulations, and procedures governing such operations.

These Minimum Standards are not intended to be all-inclusive; aeronautical service providers are also subject to all applicable federal, state, and city laws, codes, ordinances, rules, regulations pertaining to Airport operations, as may be amended from time to time.

The provisions of the Minimum Standards herein do not supersede any federal, state, or local law, code, ordinance, or regulation; Airport operating rules or regulations; lease, permit, or agreement entered into with the City.

It is intended that the Minimum Standards be consistent with all applicable laws, ordinances, codes, rules, and regulations. In the event of any difference between the Minimum Standards and other applicable laws, ordinances, rules, regulations, agreements, etc., the City reserves the right to amend the Minimum Standards as needed to ensure consistency.

At the time that any existing lease, permit, or agreement is amended, revised, renegotiated, or otherwise updated or changed, a clause will be inserted by the City in each lease, permit, and agreement stating that the lessor and/or permittee will be subject the Minimum Standards in effect at that time and as may be amended by the City from time to time.

These Minimum Standards are subordinate and subject to the provisions of any agreement between the City and the United States Government and the State of New Hampshire relative to the operation and maintenance of the Airport, the execution of which has been, or may in the future be, required as a condition precedent to the transfer of federal and/or state funds or property to the City for Airport purposes, or the expenditure of federal and/or state funds for the development of the Airport in accordance with the provisions of the Federal Aviation Act of 1958, and the NH Statutes Revised, as amended from time to time.

The invalidity or unenforceability of any provision of these Minimum Standards shall not affect the validity or enforceability of any other provision of these Minimum Standards, and the remainder shall be construed and enforced as if the invalid or unenforceable provision were not included in the Minimum Standards.

1.4 Waivers and Modifications

The City Manager and his or her designee may (but in no event shall be obligated to) waive one or more of the Minimum Standards applicable to an Operator for good cause shown upon written request by the Operator, provided that such waiver would not adversely affect public health or safety, the quality of service provided by the Operator to the public, or City finances or Airport operations, and would not violate any applicable Federal, State, City or other law, statute, ordinance, rule, regulation, or Airport Sponsor grant assurance.

SECTION 2. DEFINITIONS

A&P – Airframe and Powerplant

Abandoned – Any piece of equipment, aircraft, or vehicle that is not operational or is non-airworthy; does not meet State of New Hampshire or FAA requirements for operation (as applicable); has no current registration or airworthiness certificate; and is determined by the City to be a hazard and/or a detriment to the Airport.

ADA – Americans with Disabilities Act

Advisory Circulars (AC) – Federal Aviation Administration Advisory Circulars (AC), as amended or superseded from time to time by the FAA.

Aeronautical Activity - Any activity that involves, makes possible, supports, or is required for the operation of aircraft, or that contributes to or is required for the safety of aircraft operations. Aeronautical activities within this definition commonly conducted on Airports include but are not limited to air taxi and charter (on-demand) operations; pilot training; aircraft rental; aerial photography; aerial surveying and patrol; aircraft and parts sales and service; aircraft storage and tieodwns; sale of aviation petroleum products; provision of line services; repair, maintenance, and overhaul of airframes and powerplants; air ambulance and emergency services; avionics and instrument sales and service; and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities.

Aircraft - Any device used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultra-light, balloon, or blimp.

Air Charter or Taxi Operation – means the commercial operation of providing air transportation of person(s) or property for compensation or hire by either on a charter basis or as an air taxi (non-scheduled) operator with appropriate FAA certification issued under FAR Part 135 or other appropriate federal regulation and/or operating certificate.

Aircraft Fuel - All flammable liquids composed of a mixture of selected hydrocarbons and non-hydrocarbons, expressly manufactured and blended for the purpose of effectively and efficiently operating piston or turbine engines used by aircraft.

Aircraft Operation - The taxi, takeoff, or landing of an aircraft on the Airport.

Aircraft Owner - A person, company, agency, or entity holding legal title to an aircraft, or any person, company, agency, or entity having exclusive possession and/or control of an aircraft.

Aircraft Parking and Storage Areas - Those locations of the Airport designated by the City for the parking and storage of aircraft.

Aircraft Rental – The commercial operation of renting or leasing aircraft to the public for compensation.

Aircraft Sales – The sale and/or leasing of new and/or used aircraft through franchises, licensed dealership or distributorship, or individually, either on a retail or wholesale basis; and also provides such repair, services, and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by the Operator.

Airframe and Powerplant Repair and Maintenance – The provision of one (or a combination of) airframe and powerplant overhaul, maintenance, and/or repair services. Such maintenance services require a certificate issued by FAA under 14 CFR 145, with all FAA ratings, licenses, and relevant experience appropriate to the work being performed.

Airport – Concord Municipal Airport (CON), unless otherwise specifically noted.

Airport Layout Plan - Also ALP Sheet or ALP Set, means a graphic presentation to scale of existing and proposed Airport facilities, their location on the Airport and the pertinent clearance and dimensional information required to show conformance with applicable FAA Airport planning and design standards.

Airport Manager - Under direction of the City Manager and his or her designee, provides management direction and policy implementation for the Airport; proactively manages the airport as a municipal enterprise; directly interfaces with companies, agencies, and individuals that use the Airport; enforces policies on financial systems, as well as property and facility management, in accordance with the policies promulgated by the City Manager and the City Council; addresses specialized issues and/or problems as they relate to the Airport, its tenants, users, and other government agencies; and also performs related duties as required by the City and other appropriate government agencies.

Airport Minimum Standards - A document adopted and formally approved by the City within which are detailed provisions defining the minimum standards acceptable to the City for entities aspiring to conduct commercial or non-commercial operations or activities on the Airport.

Airport Sponsor – The legal entity that owns and is responsible for Concord Municipal Airport, and that is legally encumbered by federal and state airport grant assurances, which is the City of Concord.

Air Operations Area (AOA) – The area that is inside the Airport boundary in which aircraft movements take place as defined by the Federal Aviation Administration, as amended from time to time by the FAA.

Based Aircraft - An aircraft which the owner or operator physically locates at the Airport for a period of time, or which lists the Airport as its "home Airport", and whenever absent from SJC, its owner or operator intends to return the aircraft to SJC for storage.

City - The City of Concord, New Hampshire

CFR - Code of Federal Regulations.

CMA – Conservation Management Agreement (CMA) executed between the City and various federal and state agencies.

Commercial Aeronautical Service - A service which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safe conduct and utility of such aircraft operations, and includes those services provided by either a Fixed Base Operator or a Specialized Aviation Service Operator, the purpose of such activity being to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Commercial aeronautical services other than those listed herein may be provided at the Airport at such time that the Minimum Standards have been updated to include standards for those particular services, and service providers are in full compliance with said standards.

Commercial Aviation Operator - A person or persons, firm, corporation, or other entity engaged in an activity that involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations, the purpose of such activity being to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished. Authorized commercial aeronautical activities on the Airport shall be strictly limited to any one or a combination of the following aeronautical services performed in full compliance with the specific activity standards hereinafter set forth:

- Aircraft and/or Parts Sales (New and/or Used)
- Airframe and Power Plant Repair Facilities
- Aircraft Rental
- Flight Training and associated ground training
- Aircraft Line Services (including but not limited to aircraft towing, external power units, aircraft cleaning, etc.)
- Sale and dispensing of Aircraft Fuels & Oil
- Sale of pilot and aviation-related supplies and products
- Sale, repair, and service of radios, propellers, instruments, and other aircraft accessories
- Aircraft Charter and Air Taxi for compensation or hire under an appropriate federal aviation regulation
- Specialized commercial services including but not limited to aerial survey, filming, construction support, parachuting, agricultural support, banner towing and aerial advertising, etc.
- Storage and tiedown of aircraft

Aircraft Refurbishing and/or Painting

Controlling Interest - a) ownership of a sufficient number of shares of stock or equity in a company to control company policy; b) ownership of a quantity of shares or equity in a business that is sufficient to ensure control over its direction; c) ownership of 51% or more of the voting stock (shares) that gives the stock owner(s) legal control of a firm.

Employee - means a person who is hired for a wage, salary, fee, or payment to perform work for an employer.

Entity - Any person, persons, proprietorship, association, firm, joint venture, partnership, corporation, company, limited liability company (LLC), other business organization, or any combination of the above.

Environmental Laws - All federal, state, and city laws, statutes, ordinances, regulations, resolutions, decrees, and/or rules now or hereinafter in effect, as may be amended from time to time. It also means all implementing regulations, directives, orders, guidelines, federal and state court decisions interpreting, relating to, regulating or imposing liability (including but not limited to response, removal, remediation and damage costs), as well as standards of conduct and performance relating to industrial hygiene, occupational health, and/or safety conditions, environmental conditions, and exposure to, contamination by, or clean-up of any and all Hazardous Materials, including without limitation, all federal or state superfund or environmental clean-up statutes. The Conservation Management Agreement (CMA) entered into between the City and various state and federal agencies designated both conservation and development zones on the Airport. All development and operations conducted on the Airport shall be in compliance with the CMA, as may be amended from time to time.

Equipment - All machinery, together with the necessary supplies, tools, and apparatus necessary to properly conduct the activity or services being performed.

Exhibit A Property Inventory Map – a map illustrating an inventory of parcels that make up the airport property. The Exhibit 'A' indicates how the land was acquired, the funding source(s) for the land, and if the land was conveyed as Federal surplus or Government Property. Other detached parcels owned by the Airport Sponsor that are dedicated to airport purposes are also shown, as well as all dedicated airport property regardless of the type of funds (AIP, state, local, etc.) used to acquire that property.

FAA - The Federal Aviation Administration of the United States Department of Transportation (USDOT).

FAR - Federal Aviation Regulation.

Federal Grant Assurance - Provision(s) within the sponsor grant agreement promulgated by FAA to which the recipient of federal airport development assistance (the Airport) has agreed

to comply with in consideration of the assistance provided. Grant assurances are required by federal statute 49 U.S.C. § 47101.

Fixed Base Operator (FBO) - Any entity approved by the City to provide commercial aeronautical services on the Airport for the purpose of: (1) engaging in the retail sale of aviation fuels and oils; (2) performing aircraft line services; (3) providing tiedowns and hangar storage for aircraft; and (4) facilities for pilots and passengers. An FBO may, at its discretion, provide additional commercial aeronautical services.

Flight Training - Any entity engaged in instructing pilots and students in dual and solo flight training, in fixed or rotary-wing aircraft, and/or provides such related ground school instruction. Flight and ground training will include any training in preparation to take any FAA written examination and/or flight check ride for any license, or for any type, class, or category rating, upgrade training, or to maintain currency and proficiency as defined by FAA, whether or not such written exams or check rides are actually taken.

Fueling Agent - An entity licensed by the State of New Hampshire and authorized by the City to accept delivery of fuel from a major oil company or fuel wholesaler at the fuel storage facility or fuel farm. At the fuel storage facility, the fueling agent may dispense fuel from the fuel storage tanks into fuel servicing vehicles which must be affiliated with an approved FBO or the City.

Fuel Servicing Vehicle - Also Fuel Tanker Vehicle, or Refueling Truck/Vehicle, or Mobile Fueler, means any motor vehicle used for transporting, handling, or dispensing aviation fuel, oils, and lubricants on the Airport.

Fuel Storage Area - Also Fuel Farm, means those facilities where Avgas, Jet-A, or other hazardous materials are stored. These facilities must be in areas designated, inspected and approved by the City and State of NH, as appropriate, and meet minimum standards that specifically address the safe storage, handling, and dispensing of fuels or hazardous materials on the Airport, including those promulgated by the National Fire Protection Association (NFPA).

Good Condition – Leasehold areas, facilities, and improvements are maintained in a condition that: a) meet or exceed all federal, state, and city regulations, ordinances, and standards; and b) are consistent with the quality and standards of similar facilities at similar or larger airports. The City shall determine whether leasehold areas, facilities, and improvements are in good condition as defined herein.

Hangar - Any fully or partially enclosed storage space for one or more aircraft.

Hazardous Material - Any and all: (a) substances, products, by-products, waste or other materials of any nature or kind whatsoever which is or becomes listed, regulated or addressed under any Environmental Laws; and (b) any materials, substances, products, by-products, waste or other materials of any nature or kind whatsoever whose presence in and of itself or

in combination with other materials, substances, products, by-products or waste may give rise to liability under any Environmental Law or any statutory or common law theory based on negligence, trespass, intentional tort, nuisance, strict or absolute liability or under any reported decisions of any state or federal court; and (c) any substance, product, by-product, waste or any other material which may be hazardous or harmful to the air, water, soil, environment or affect industrial hygiene, occupational health, safety and/or general welfare conditions, including without limitation, petroleum and/or asbestos materials, products, by-products or waste.

Improvements - The construction of, or any improvement to, any buildings, structures, facilities, utilities, paved areas (such as parking lots, ramp, walkways, or apron), or other facilities constructed or installed by an Operator or the Airport on its Premises including fencing, signage, and landscaping.

Itinerant Aircraft - Also Transient Aircraft, means any aircraft not "home-based" at the Airport, but transiting the Airport, obtaining fuel or other service(s), or on-loading or off-loading passengers or cargo at the Airport. Itinerant aircraft are "home-based" elsewhere and may park or hangar at the Airport for short periods of time.

Laws - All present and future applicable judicial decisions, statutes, laws, ordinances, regulations, building codes, Airport rules and regulations adopted from time to time, regulations, orders and requirements and policies of all governmental authorities including without limitation city, state, and federal agencies (including the FAA and other federal agencies), and their departments, boards, bureaus, commissions and officials, and such other authority as may have jurisdiction including, without limitation, any regulation or order of a quasi-official entity or body.

LEED - Leadership in Energy and Environmental Design, an internationally-recognized green building certification system developed by the U.S. Green Building Council (USGBC).

Municipal Code - The City Code and Ordinances, as amended from time to time.

NFPA – The National Fire Protection Association.

NHDOT – The New Hampshire Department of Transportation

Non-Aeronautical-Related Commercial Activity - Commercial activity by entities, which by nature of the operation or service, is not directly associated with aeronautical activities. Such activities are allowed provided that they do not adversely affect the usefulness, operation, safety or efficiency of the Airport, and the entity providing such service has a current lease, permit, or agreement with the Airport or the City. Examples of non-aeronautical-related commercial operations include but are not limited to: car rental, taxi, limo, and/or van services; bus service; restaurants, bars, and lounges; retail stores.

Non-Commercial Aeronautical Activity - Activity by any entity that provides aviation service(s) or operates equipment and/or facilities solely for its own benefit, not for the benefit of the public, nor for any compensation, hire, or profit. Non-commercial aircraft operations shall be conducted under 14 CFR Part 91, unless otherwise required by the FAA.

Normal Business Hours - means those hours during which most similar businesses in the community are open to serve customers, and are generally Monday through Friday, 8:00 a.m. to 5:00 p.m., except for holidays recognized by the City.

Operator - Any Entity doing business on the Airport as a Fixed Base Operator (FBO) or Specialized Aviation Service Operator (SASO).

Owner - The owner of, and which has the legal authority over the Airport, referred to as the City of Concord, NH (or the City), acting by and through the City Council and the City Manager and the manager's designated representatives.

Permit - A temporary conveyance of the right to occupy and use property under the City's authority, or the permission to engage in a specified activity, or the provision of specified service(s) on the Airport.

Permittee - An operator or other entity having a valid permit issued by the City.

Premises - A defined area on the Airport which the City has either leased to an entity or has granted an entity the preferential right to use by permit or other written agreement, in order to operate aircraft and/or provide aeronautical services.

Self-Fueling and Self-Service Aircraft Servicing - The fueling or servicing of an aircraft (including changing the oil, washing aircraft, and maintenance allowed by FAA) by the owner of the aircraft with the owner's own employees and using the owner's own equipment. Self-fueling and self-service aircraft servicing may not be contracted out to another party, nor may fuel or other related products or services be sold or traded by the owner to another entity. Self-fueling entails using fuel obtained by the aircraft owner from the source of his/her preference. Self-fueling differs from using a self-service fuel pump made available by the Airport, an FBO or an aeronautical service provider. The use of a self-service fuel pump made available by the Airport or an Operator is a commercial activity and is not considered self-fueling as defined herein.

Self-Service Fuel - Using a self-service fueling pump made available by the Airport or an FBO. The use of a self-service fueling pump is a commercial activity and is not considered self-fueling as defined above.

SPCC – Spill Prevention, Control and Countermeasure Plan.

Specialized Aviation Service Operator (SASO) - Any Entity approved by the City that

provides at least one, but not more than two commercial aeronautical services, on the Airport. Aircraft fueling and line service may *not* be performed as a Specialized Aviation Service; only approved Fixed Base Operators will be authorized to perform aircraft fueling and line service.

Sublease - An agreement entered into by an Operator (or its designated representative) with another party or entity that assigns, transfers, or conveys rights or interests in property and/or providing services on the Airport. Sublease agreements may be executed only after review and approval of the sublease agreement by the City. Any amendment to an existing sublease agreement must be reviewed and approved by the City prior to the amendment being executed by the Operator (or its designated representative). As used in these Minimum Standards, sublease does not mean the agreement between an Operator and an airport tenant related to basing an aircraft, or otherwise purchasing one or more aeronautical service(s) provided by the Operator in the normal course of doing business on the Airport as an approved Operator.

SWPPP – Stormwater Pollution Prevention Plan.

RTTF Access — Residential Through The Fence access is defined by the FAA as an aircraft owner and/or operator having aeronautical access to the Airport from residential property located off-airport. The City of Concord does not allow RTTF access to the Airport.

SECTION 3. GENERAL REQUIREMENTS

3.1 Prior Agreement/Approval

Prior to the commencement of operations, the prospective Operator will be required to enter into a written agreement with the City, which agreement will recite the terms and conditions under which it will operate on the Airport, including, but not limited to: the term of agreement; the applicable rates, fees and charges; the rights, privileges, responsibilities, and obligations of the respective parties; the definition and boundary of the premises and/or improvements subject to the agreement; the specific types and levels of service(s) to be provided; the insurance coverages to be provided by the Operator.

The conditions set forth in these Minimum Standards do not represent a complete recitation of the provisions and covenants to be included in the written agreement between the City and the Operator.

All Operators are required to comply with the provisions of these Minimum Standards as well as their agreement with the City. If an Operator has an existing agreement with the City at the time the Minimum Standards are adopted or amended, and if compliance with the Minimum Standards would create a conflict with the agreement, the agreement shall prevail until such time that it is amended, updated, renegotiated, or a new agreement is negotiated, at which time Operator will fully comply with the Minimum Standards.

3.2 Insurance

The Operator shall procure and maintain, during the full term of their lease, permit, or agreement, insurance of the types and in the minimum limits set forth by the City and presented in the written agreement with the City, for the respective categories of aeronautical services provided.

3.3 Financial Standards

The Operator must provide a notarized statement from a bank or financial institution licensed to do business in the State of New Hampshire, or from such other source that may be acceptable to the City and readily verified through normal banking or financial channels, of evidence of the Operator's financial responsibility. The Operator must also clearly demonstrate the financial capability to initiate operations, construct and maintain all improvements and appurtenances that are required commensurate with the concept of the operation(s) and service(s) to be provided, and shall also demonstrate its ability to provide adequate working capital to successfully continue the contemplated operation(s) once initiated through the full term of the lease, permit, or agreement.

3.4 Environmental Requirements

Each Operator shall strictly comply with all applicable environmental laws, rules, regulations, policies, and procedures adopted by the City, as well as those promulgated by federal, state, and municipal authorities governing aeronautical activities, including the City's Stormwater Pollution Prevention Plan ("SWPPP") and Spill Prevention, Control and Countermeasure Plan

("SPCC"). Each Operator shall comply with the Conservation Management Agreement (CMA) executed between the City and various federal and state agencies. In addition, each Operator shall comply with generally accepted environmental best management practices (BMP) and standards, particularly with regards to the handling, management, and disposal of designated hazardous materials.

3.5 Conduct of Business Operations

The Operator shall conduct all business operations in a safe and professional manner consistent with the degree of care and skill exercised by experienced Operators providing comparable products, services, and activities at similar Airports in like markets. The City expects the Operator to strive to consistently meet (or exceed) its customer's expectations by providing excellent service, in a positive and timely manner, and in full view of the public. Operators are encouraged to exceed Minimum Standards.

3.6 Management Control and Supervision

The Operator shall be responsible for ensuring that it has provided adequate management control and supervision for each service and operation provided on the Airport, during all times when such services are being offered. A minimum of one designated manager and/or assistant manager shall be on duty at all times during times when services are offered and operations are occurring at the Airport. Managers shall also available after normal business hours in the event of an emergency.

3.7 Personnel Training and Certification

Each Operator shall ensure that all personnel in its employment and/or under its control shall receive all required training and certification necessary to provide each service and conduct operations on the Airport in a safe and efficient manner as required by the City, FAA, and NHDOT. Operator shall ensure that all personnel in its employment and/or control shall have current certifications and badges required to perform services in designated areas of the Airport. Copies of all said certificates and badges shall be provided to the City, including any revisions or amendments thereto.

3.8 Interference with Utilities, Radio, or Navigation Aids

Each Operator shall ensure that it will not interfere with, interrupt, or disrupt any utilities, radio, or navigation aids that are located on or that otherwise serve the Airport. Any and all activities or operations that may potentially interfere with, interrupt, or disrupt any utilities, radios, or navigation aids shall be approved by the FAA, NHDOT, and the City prior to such activities or operations being conducted by the Operator, its employees, or agents.

3.10 Personnel

During all operating hours, each Operator shall employ and have on duty trained and qualified personnel in such numbers and with such relevant experience, certificates, and ratings as are required to meet the Minimum Standards in an efficient manner, for all Aeronautical Services and activities being provided by each Operator. Each Operator shall employ a fully-qualified, competent, experienced full-time onsite manager who shall supervise and direct the

performance of all Aeronautical Services provided by the Operator, and one or more qualified assistant managers to act for the manager in his or her absence.

Operator's employees shall, at all times, be neat and courteous, and shall carry appropriate identification as required by the City, FAA, and/or NHDOT. Operator's employees may not use, possess, or be under the influence of alcohol, illegal drugs, or controlled substances while on the Airport. Each Operator shall closely monitor its employees to ensure compliance with these provisions, as well as consistent high quality service. The City may, at its sole discretion, direct Operator to remove from employment at the Airport any employee who violates City policy, rules, or regulations, or the terms of Operator's lease, permit, or agreement, or any provision of these Minimum Standards.

3.11 Certificates, Licenses, Permits

Each Operator shall obtain and maintain in full force and effect all FAA and other required certificates, licenses, and permits necessary for the services being provided and the operations being conducted at the Airport. Operator shall provide a copy of each license, certificate, and permit to the City and its designated representatives, if requested by the City, which shall be updated from time to time as required.

3.12 Maintain Leased Premises

Operator shall, at its sole cost and expense maintain, repair, and keep in good condition at all times all of its designated leasehold premises.

3.13 Site Development Standards

- 1) <u>Location</u>. Operator's facilities may be situated only in those areas of the Airport specified for such use on the approved Airport Layout Plan (ALP) and the Airport Master Plan, and approved by the City.
- 2) <u>General Requirements.</u> Operators shall meet all applicable FAA requirements, including remaining clear of designated airspace, imaginary surfaces, navigation aid critical areas, and line of sight criteria, as well as applicable building and fire codes, zoning ordinances, and other standards that apply to the particular facilities and/or improvements being constructed.
- 3) <u>Site Plan</u>. Applicants who propose services as an Operator shall provide building layout and site development plans, to scale and in sufficient detail that demonstrates functional compliance with the applicable Minimum Standards, consistency with the Airport Layout Plan, as well as sufficient facilities and space to adequately, efficiently and safely perform all of the proposed services. Site development plans shall be reviewed and approved by the Concord Planning Board (if applicable) and City Council prior to any construction.
- 4) <u>Airport Design Criteria.</u> Construction of all improvements and infrastructure by Operator must conform to, and fully comply with, the plans and specifications submitted by Operator to and approved by the City. All facilities and improvements shall meet the FAA, NHDOT, and City's Guidelines, as may be amended from time to time. At the discretion of FAA, NHDOT, and

the City, any structure or object that violates these requirements shall be subject to removal or remediation at the Operator's expense. The City will have the right to review and approve all plans and specifications for any Improvements to be constructed on the premises to determine compliance with such requirements prior to commencement of such construction. The approval by the City shall not constitute a representation or warranty as to such conformity or compliance, but responsibility therefore shall at all times remain with the Operator.

- 5) <u>Design/Construction Review</u>. Operator shall not construct, install, remove, or modify any improvements on the premises without the prior written approval by the City of Operator's plans and specifications for the proposed project. All plans shall be complete and submitted in accordance with the applicable provisions of the lease, permit, or agreement, and in conformance with the City's Guidelines.
- Bonds and Insurance. Operator shall provide, or cause to be provided, to the City prior 6) to the commencement of any construction of any improvements, a valid performance bond and payment bond, each in the amount of the maximum estimated hard construction costs, for the successful construction of its improvements. Said bonds shall be maintained and kept in full force and effect until work items called for in the Operator's agreement with the City are complete. The bonds shall be conditioned to ensure performance and payment by the Operator and its construction contractor of all Improvements required and proposed by the Operator, and to stand as security for the successful completion of the built Improvements on the premises and for payment of any valid claim by the City against the Operator or its contractor associated with the construction of the improvements. The bonds shall be in a form acceptable to the City and shall be issued by a surety that complies with the requirements of the State of New Hampshire. If Operator engages any contractors and/or subcontractors to construct improvements on its premises, the contractors and subcontractors must carry appropriate builders risk and commercial general liability policies as is required at that time by the City for construction projects on Airport property.
- 8) Other Facilities. The Operator shall ensure that other facilities as may be required to meet applicable building or fire codes, zoning ordinances, or FAA requirements, which may include but not be limited to a paved walkway within the leasehold area to accommodate pedestrian access to the Operator's office; a paved aircraft apron with tiedown facilities within the leased area sufficient to accommodate its services and operations are provided.
- 9) <u>Landscaping.</u> In cases where landscaping of facilities is required by the City, each FBO will be required to provide a plan for landscaping its area to be approved by the City and maintained by the FBO in a neat, clean, and aesthetically pleasing manner.
- 10) <u>Right of Relocation.</u> The City shall have the right to relocate Operator's premises when necessary to accommodate the Airport development. If relocation becomes necessary, the City shall provide the Operator with a replacement area substantially equivalent in size and amenities. Should Operator disagree with the replacement location, Operator shall have the

right, within twenty (20) business days of receipt of the City's written notice of impending relocation, to provide written notice to the City that Operator disagrees with the relocation and/or the replacement location. Upon such notice by Operator, the parties shall, for a period not to exceed sixty (60) business days from the date of such notice from Operator, negotiate in good faith in an attempt to resolve the matter to the satisfaction of both parties. However, if for any reason the disagreement is not resolved within sixty (60) business days of notice from Operator, the City shall have the right to decide the matter, and Operator agrees to and shall abide by the City's decision, subject to such rights of termination as Operator may have under its lease, permit, or agreement. If the City requires the Operator to relocate its facilities during the term of the lease, permit, or agreement, the City will reimburse the Operator for all documented actual and reasonable out-of-pocket expenses and costs, including unamortized cost of improvements, as defined in the lease agreement.

- 11) Ownership of Improvements. Except for 11 a) below, at the City's sole discretion, all right, title, and interest in any improvements constructed by or for an Operator on the Airport shall fully vest in the City upon the end of the term of the Operator's lease, permit, or agreement. If requested by the City, the Operator shall execute and deliver to the City such documents as may be required to evidence the City's ownership of such improvements. As may be consistent with the provisions of the lease, permit, or agreement, Operator will have the first right of refusal to lease the improvements after ownership has been transferred, for a term to be negotiated with the City.
 - a) Should the City determine that it has no interest in maintaining the improvements constructed by or for an Operator on the Airport at the end of the term of the Operator's lease, permit or agreement, the Operator shall be responsible for removing the improvements from the Airport within 90 days of termination of the lease, permit or agreement at the Operator's expense. The site of the improvements shall be returned to its condition prior to the improvements.

3.14 Time for Performance

Each Operator shall begin construction of leasehold improvements as presented in the approved Site Plan and in conformance with the City's guidelines within a reasonable period of time or as defined in the lease, permit, or agreement. Completion of work on improvements must be accomplished within the time frame presented in the Site Plan and approved by the City. If the Operator requires additional time to either begin construction, or to complete construction of improvements, it must obtain written approval from the City prior to such deadlines being reached.

3.15 Airport Security

Each Operator, its employees, agents, and contractors, shall:

- fully comply with the City's Rules and Regulations as they pertain to airport security, as may be amended from time to time;
- successfully complete any security training that may be required by the City, the FAA, NHDOT, and/or the TSA, prior to gaining access to operational areas of the Airport;

 successfully complete a background check and security threat assessment (STA) as may be required by the City, or state or federal agencies, and provide all necessary documentation to the City prior to allowing access of such personnel to secured areas of the Airport;

Operator shall control their Premises so as to prevent unauthorized access to the Airport.

The Operator must use City approved access control system and/or vendor to secure access portals on the Operator's leasehold area. The cost of the access control system installation and maintenance of all equipment on Operator's leasehold will be borne by the Operator. The City reserves the right to change vendors from time to time, and the Operator will use the City approved vendor for all installation and maintenance needs. The Operator may request to install an independent access control system, subject to City approval.

Operator shall submit a construction security plan for all major construction activity occurring inside the Airport, or affecting Airport security. The plan must be submitted in writing and approved by the City before beginning construction activity.

3.16 Equipment and Vehicles

Each Operator shall ensure that on-Airport transportation of personnel and equipment using the Operator's facilities and services is conducted solely in the Operators vehicles. The Operator-owned or operated motor vehicles driven on the Airport shall do so only in strict accordance with City Rules and Regulations, applicable federal, state and municipal laws, ordinances, codes, or other similar regulatory measures now in existence or as may be hereafter modified or amended.

The Operator shall equip each motor vehicle with a functioning aeronautical mobile two-way radio capable of operating at a minimum on the following frequencies: 122.7 MHZ, 132.32 MHZ, 121.5 MHZ, 127.35 MHZ, and any other specific frequency designated by the City, or NHDOT, or FAA. Each vehicle will also be equipped with an operating rotating beacon or FAA-approved flag, or such other equipment as FAA, NHDOT, or the City shall require. The City may, at its discretion, impose vehicle training and licensing requirements on the Operator.

3.17 Provide Public Access

All Operators providing commercial aeronautical services on the Airport will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

3.18 Marketing and Promotions

Each Operator shall develop and fully implement a marketing and promotional program to effectively advertise and market its business as well as Concord Airport on a regional, and ideally, a national basis. Each operator shall maintain and keep its company website current and up-to-date, as well as use other marketing techniques and media that are appropriate for the business type and target markets.

SECTION 4. APPLICATION REQUIREMENTS

4.1 Application

To provide one or more Aeronautical Services at the Airport, each Entity (prospective Operator) shall submit a written application to the City, which shall at a minimum include the following information and, thereafter, shall provide such additional information as may be requested by the City.

An application to provide Aeronautical Service(s) at the Airport may be submitted in response to a request issued by the City. At its sole discretion, the City may accept and consider unsolicited applications to provide Aeronautical Service(s), but if it chooses to do so it will post public notices that such unsolicited applications have been submitted to the City and that the City will accept additional applications for similar aeronautical services.

- 1) **Intended Type of Operator**. The prospective Operator must clearly state whether it is applying for designation by the City as an FBO or as a SASO.
- 2) <u>Intended Scope of Services.</u> The prospective Operator must submit a detailed description of the scope of the proposed operation, and the means and methods to be employed to accomplish the contemplated operation, including, at a minimum, the following:
 - a) The legal name, physical address, telephone number, and email address of the applicant. If the applicant is a corporation, include the legal name, physical address, telephone number, and email address of each of the corporations' officers and directors. If the applicant is a partnership, provide the legal name, address, telephone number, and email address of all general partners. Also provide the legal name, physical address, telephone number, and email address of any person that holds a controlling interest, directly or indirectly, in the applicant. Applicant must disclose if any officer, director, partner, or Person having a controlling interest in applicant is also an officer, director, partner, or a Person holding a controlling interest in any other Commercial Aeronautical Service provider at the Airport.
 - b) The legal structure of company and attach all documents pertinent to said legal structure, including but not limited to incorporation papers, where the company is incorporated and/or licensed, when it was incorporated, where the company headquarters is located, as appropriate.
 - c) The proposed date for commencement of the aeronautical service(s), and the requested term of conducting the same.
 - d) The specific aeronautical service(s) to be offered.
 - e) The amount (expressed in square feet and acres), and specific location(s) of land required, fully considering the minimum requirement stipulated herein.
 - f) The size, type, and location of the building(s) to be constructed and/or leased.
 - g) The number and type of aircraft to be parked, serviced, or provided (as applicable based on the service(s) to be provided).
 - h) The number of persons to be employed (including the names, titles, addresses, and

- qualifications of key employees).
- i) The specific hours of proposed operation, fully considering the minimum requirements stipulated herein.
- j) A list of material assets, goods and equipment necessary or required to perform the proposed services that are owned, leased, or under purchase contract by the applicant. Copies of such leases and contracts shall be provided to the City upon request.
- k) Copies of pertinent licenses, certifications and permits possessed by the applicant, or its key employees to be based at the Airport, that are necessary or required to perform the proposed services.
- Certificates of insurance demonstrating proof of minimum coverage as required by the City.
- m) Such other additional information as may be required in these Minimum Standards, or that the City may reasonably require to evaluate the application.
- n) List and describe any and all outstanding liens, lawsuits, or legal judgments issued against the company, entity, or party, including any of its owners and/or directors, within the previous five (5) calendar years. Also describe the current status of any liens, lawsuits, or judgments filed against the company and/or its owners and/or directors within the previous five calendar years.
- 3) Financial and Managerial Responsibility and Capability. The prospective Operator must provide an audited financial statement, satisfactory to the City, as evidence of its financial responsibility from a recognized financial institution or from such other source that may be acceptable to the City and readily verified through normal banking channels. The prospective Operator shall provide all pertinent financial documents (acceptable to the City) that have been produced within the previous five fiscal years, including audited financial statements. In addition, the prospective Operator shall provide SEC Form 10-K, and/or other appropriate financial documentation, including annual reports, for the previous five fiscal years if such documents exist. If the prospective Operator has not prepared (or had prepared for them) such documents in the normal course of business, then the City may require other appropriate financial documentation from the prospective Operator for the previous five fiscal years. The prospective Operator must also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry out the contemplated operations throughout the term of the lease, permit, or agreement. The demonstration of financial and managerial capability shall include a cash flow and a profit and loss projection for the first five fiscal years of the proposed operation.
- <u>Relevant Experience and Professional Reputation</u>. The prospective Operator shall furnish the City with a statement of its qualifications and prior relevant experience in providing the proposed aeronautical service(s), together with a statement that it or its principals have the managerial training, relevant experience, and capability to perform the selected service(s). The prospective Operator shall clearly demonstrate applicable

relevant experience at airports similar to or larger than the Airport within the previous three calendar years. The prospective Operator shall provide a minimum of three current references (including names, titles, addresses, phone numbers, and email addresses) of airport managers or directors who oversee facilities where the prospective Operator has provided similar relevant services. The City will consider the professional reputation of the prospective Operator based on the information provided by the references. The prospective Operator shall provide current resumes of its key employees to be engaged in the management and operation of the proposed aeronautical services at the Airport.

The City shall consider the application after the prospective Operator has submitted a complete application. The City shall not unreasonably deny or delay consideration of an application. A delay to request additional pertinent information from the applicant by the City is not, by itself, unreasonable.

4.2 Grounds for Denial of an Application.

Grounds for denial of an application may include the following:

- 1) The applicant does not, for any reason, fully meet the qualifications, standards, and/or requirements established in the request for proposals issued by the City, and/or these Minimum Standards.
- 2) The applicant's proposed operation or construction would create a safety hazard on the Airport.
- 3) The granting of the application will require the City to expend funds, or supply labor or materials, in connection with the proposed activity or operation that the City is unwilling to spend or supply, or the proposed activity or operation will result in a financial loss to the City.
- 4) The proposed operation, development, or construction does not comply with the Airport Master Plan or Airport Layout Plan.
- 5) The proposed operation, development or construction will result in congestion of aircraft or buildings, or will result in undue interference with the operations of any present Operator at the Airport, or with adequate access to a present Operator's leased premises.
- 6) The applicant has misrepresented or omitted any material fact in the application or supporting documents, or has failed to make full disclosure in the application or supporting documents.
- 7) The applicant, or any officer, director, key employee, or Person having a controlling interest in the applicant, has a record of: (a) violating the laws, rules and regulations applicable to the Airport or any other airport, including but not limited, to FAA regulations; (b) having defaulted in the performance of a lease, license, permit, or similar agreement at the Airport or any other Airport.
- 8) The applicant, in the opinion of the City, has not provided verified evidence of adequate financial responsibility and/or does not exhibit the relevant experience to undertake the proposed operation or activity based on the information provided with the application.
- 9) The applicant cannot provide the required performance and other bonds, security

deposits, or other acceptable surety in the amount required by the City for the proposed operation, activity or construction.

SECTION 5. FIXED BASE OPERATOR (FBO)

5.1 Introduction

Each FBO shall comply with the Minimum Standards and requirements contained in this section, as well as for each aeronautical service provided on the Airport. Each FBO is encouraged to exceed the Minimum Standards.

5.2 Scope of Activity

Each FBO shall provide as a minimum: aircraft fueling services, aircraft line services, aircraft parking (tiedown) and hangar storage, as well as aircraft pilot and passenger support facilities including a waiting room, public restrooms, flight planning area, break room, and other pertinent customer support facilities. The FBO may, at its discretion, also provide any or all of the following commercial aeronautical services.

- Aircraft and/or Parts Sales (New and/or Used)
- Airframe and Power Plant Repair Facilities
- Aircraft Rental
- Flight Training and associated ground training
- Sale, repair, and service of radios, propellers, instruments, and other aircraft accessories
- Aircraft Charter and Air Taxi for compensation or hire under an appropriate federal aviation regulation
- Specialized commercial services including but not limited to aerial survey, filming, construction support, parachuting, agricultural support, banner towing and aerial advertising, etc.
- Aircraft Refurbishing and/or Painting
- * Flight training and aircraft rental may be combined as a single aeronautical service if designated by FBO.

Each FBO shall conduct its business and activities on and from the leased/assigned premises in a safe and professional manner consistent with the degree of care and skill exercised by experienced FBOs providing comparable products, services, and activities from similar Airports in like markets.

Each FBO will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

5.3 FBO Minimum Services

Each Fixed Based Operator shall provide the following minimum services:

Aircraft Fueling Services. Each FBO shall provide into-aircraft retail delivery of a recognized brand of aviation fuel (including, but not limited to, Avgas and jet fuel), motor oil, and lubricants as required by the types of aircraft normally utilizing the Airport. Recognized brand means a fuel producer and/or wholesaler or supplier that meets (or exceeds) all applicable federal and state standards and guidelines, and that demonstrates a

record of providing aviation fuel in New Hampshire. The Operator shall provide proper fuel dispensing equipment to service aircraft, including mobile fuel dispensing trucks to service aircraft operating at the Airport. A minimum of one mobile fueler must have minimum 500 gallon capacity for 100 low lead Avgas, and at least one other mobile fueler must have a minimum of 1,000 gallon capacity for Jet A fuel. Larger capacity trucks and/or additional mobile fuelers may be required to adequately serve users of the FBO's premises, in which case adequate mobile fueler capacity will be provided by the FBO. Separate dispensing pumps for each grade of fuel are required. Fuel may only be stored in approved storage tanks. All fuel handling and storage facilities, equipment and procedures shall strictly comply with all applicable Federal, State, and City laws, rules, ordinances, and regulations, including without limitation, the most current rules and regulations promulgated by the City, the State of New Hampshire, U.S. Environmental Protection Agency, and the FAA, as well as facilities and procedures promulgated by the NFPA. All fueling and line service personnel shall be properly trained and qualified to perform their assigned duties. The Operator shall ensure that only clean fuel, free of water or other contaminants, is delivered into the aircraft serviced. The Operator shall maintain current fuel reports on file and available for review at any time by the City, or appropriate state or federal official. Operator shall develop and maintain current a fuel quality control and best management practices plan, and shall provide the City a copy of said plan for review and approval, as well as any amendments or updates.

All FBO fueling services and systems shall be subject to inspection for fire and other hazards by the City and its designated representatives, as well as by appropriate State and City fire and safety officials.

The FBO shall adopt and maintain a current spill prevention and countermeasure (SPCC) plan in accordance with applicable federal, state, city, and City laws, rules and regulations, which shall be consistent with the City's current SPCC Plan. Each FBO shall also develop and maintain Standard Operating Procedures (SOP) for fueling and line services. FBO's SOP shall at a minimum include a training plan, fuel quality assurance procedures, record keeping, best management practices, Airport security procedures, and emergency response procedures for fuel fires and spills. An FBO SOP shall also address bonding and fire protection; public protection; control of access to fuel storage facilities and vehicles; and marking and labeling of fuel storage tanks and refueling vehicles. A prospective FBO shall submit its SOP to the City for review, comment, and approval no later than 60 days before commencing activities at the Airport.

Each Operator shall comply with the following standards, codes, and requirements applicable to fueling services, as may be amended or updated from time to time:

- National Fire Protection Association (NFPA) 407, "Standard for Aircraft Fuel Servicing"
- FAA Airport Circular AC 150/5230-4A, "Aircraft Fuel Storage, Handling and Dispersing on Airports"
- FAA Advisory Circular 00-34A "Aircraft Ground Handling and Servicing"

- Applicable State of New Hampshire requirements, and City of Concord Land Development Regulations, as well as City Building and Fire Codes
- Develop, maintain, and fully comply with an approved and current SPCC Plan, which must be fully consistent with City's SPCC plan.
- Develop, maintain, and fully comply with an approved and current Standard Operating Procedures (SOP) and Emergency Response Plan
- All employees involved in fueling and line services must successfully complete fuel handling, training, and licensing requirements, including NH Department of Environmental Services Underground Storage Tank (UST) Training and Certification

Reporting The FBO shall maintain on file, and submit to the City, current fuel reports. The FBO shall report all fuel delivered to the approved FBO's fuel storage facility as well as Permittee's Aircraft during each calendar month. The FBO shall submit a summary report along with appropriate fees and charges due the City on or before the 10th day of the subsequent calendar month. The FBO shall, during the term of the Permit and for three (3) years thereafter, maintain records identifying the total number of aviation fuel gallons purchased, delivered, and transferred into owners aircraft. Records (and meters) shall be made available for audit by the City or designated representatives of the City. In the case of a discrepancy, the FBO shall promptly pay, in cash, all additional rates, fees, and charges due the City, plus annual interest, calculated daily, on the unpaid balance at the lesser of 18% or the maximum rate allowable by law from the date originally due.

Aircraft Line Services. Each FBO shall offer and/or provide suitable hard surface aircraft maneuvering, parking, and hangar storage facilities; adequate tie-down facilities and equipment, including ropes, chains and other types of restraining devices, and wheel chocks for the typical number and type of aircraft simultaneously using the Airport during peak periods; and adequate loading, unloading and towing equipment to safely and efficiently move and store aircraft in times of all reasonably expected weather conditions. The FBO shall also offer and/or provide adequate ground service equipment, including but not limited to, ground power and starting equipment, fire extinguishers, portable compressed air, towing equipment, recover disabled equipment, washing and cleaning facilities, and such other equipment, supplies and spare parts as may be reasonably required to service general aviation aircraft at the Airport in accordance with aircraft manufacturers recommendations.

Aircraft Tiedowns and Hangar Storage. The FBO shall offer paved aircraft tiedowns (including appropriate restraints) and hangar storage of sufficient size and layout to accommodate the types and sizes of general aviation aircraft that typically use the Airport.

5.4 Leased Premises

The FBO shall lease from the City the amount of land and existing buildings, or construct new buildings, of sufficient size and condition to adequately and efficiently accommodate: (a) FBO offices, public restrooms, customer waiting area and/or conference facilities, equipment storage area, flight planning room for customer use, kitchen and/or break room, and other

space needed to accommodate the services provided; (b) the safe and efficient parking, storage, and movement of the type and class of aircraft that use the Airport, including paved ramp area for aircraft parking; (c) hangar(s) for aircraft storage with a (combined) minimum of 10,000 square feet gross storage area, which may include associated offices and equipment storage area; (d) the movement, parking, and storage of all ground service equipment (GSE); (e) if the Operator is providing any other services, sufficient additional land and buildings to provide such service(s) and necessary equipment; and (f) sufficient paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis during peak periods. Improvements shall meet all applicable federal, state, and city building and fire codes, as well as federal and state access requirements, including the Americans with Disabilities Act (ADA), as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with all applicable City, NHDOT, and FAA specifications and requirements.

5.5 Licenses, Permits, and Certifications

Each FBO shall obtain and maintain in current condition all necessary licenses, permits, and certifications applicable to the services being provided. Each FBO shall provide a copy of each license, permit, and certificate to the City, if requested by the City, including any renewal, update, or modification thereto.

5.6 Insurance

Each FBO shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

5.7 Fuel Storage Facilities

Each FBO shall construct and maintain, or lease from the City, adequate fuel storage facilities to meet reasonably anticipated demand. Fuel storage facilities (tanks) must be a permanent installation (i.e. no skids or other temporary installation), and must provide a minimum storage capacity of 10,000 gallons for 100 low lead Avgas and 10,000 gallon capacity for Jet A. The FBO shall ensure sufficient fuel storage capacity to reasonably limit the number of deliveries by the wholesale fuel supplier. Into aircraft fueling may not be conducted from wholesale fuel mobile vehicles. The FBO is responsible for ensuring that all fuel storage and dispensing facilities meet all current and applicable federal, state, and City codes and regulations, including NFPA.

5.8 Fueling Equipment

Each FBO shall provide and maintain the equipment and facilities required to service the types of general aviation aircraft normally frequenting the Airport. All equipment and facilities shall comply with all applicable city, state, and federal requirements.

5.9 Other Equipment

Each FBO shall provide and maintain other equipment required to service the types of general aviation aircraft normally frequenting the Airport, including but not limited to tugs, power carts, tow bars, etc. All equipment shall comply with all applicable city, state, and federal requirements.

5.10 Personnel

During all operating hours, the FBO shall employ and have on duty trained personnel in such numbers with appropriate certificates and licenses as are required to meet reasonably anticipated demand in an efficient manner, for all services being provided by the FBO, including appropriate supervisory and managerial personnel. The FBO shall also have trained personnel available on an on-call basis at all times for emergency services.

5.11 Hours of Activity

The FBO must be open for business a minimum of twelve (12) hours per day, seven (7) days per week, to provide aircraft fueling and line services, as well as make their facilities available for customer access. Other aeronautical services will be provided during the periods specified in the following Sections for each service.

5.12 Subcontracting Services

The FBO may subcontract or use third party operators to provide any of the aeronautical services identified in Section 5.2, provided that each subcontractor meets all of the requirements of these Minimum Standards, has been prior-approved by the City in writing, and operates from the Fixed Base Operator's premises. Additionally, the FBO shall be fully responsible and liable for all of the acts, conduct, omissions, and errors of the subcontractor or third party while acting under agreement to the FBO on the Airport.

5.13 Aircraft Removal

Recognizing that aircraft removal is the responsibility of the aircraft owner/operator, the FBO shall be prepared to lend assistance upon request by the City in order to maintain the operational readiness of the Airport. The FBO shall prepare an aircraft removal plan and have the equipment readily available that is necessary to remove the types of General Aviation Aircraft that normally use the Airport.

SECTION 6. OTHER COMMERICAL AERONAUTICAL SERVICES

6.1 Applicability

All Operators providing the commercial aeronautical services described below must meet, and are encouraged to exceed, the Minimum Standards prescribed for each service. Operators providing more than one commercial aeronautical service may meet the Minimum Standards by combining certain requirements (e.g. office space, rest rooms, conference rooms, etc.) to accommodate multiple services.

However, at a minimum, the facilities provided must adequately and reasonably accommodate the anticipated peak demand of any one or combination of multiple services provided.

Additionally, all services and facilities must be consistent with, or exceed, the quality and standards of similar services and facilities at similar or larger airports. The City shall determine whether services and facilities meet the condition defined herein. Any combination of Minimum Standards must be approved by the City prior to initiating service.

A Fixed Base Operator (FBO) approved by the City may, at its discretion, provide any or all of the following commercial services in addition to fuel sales, line services, and aircraft tiedown and hangar storage, and may provide as many of the following aeronautical services as it decides.

A Specialized Aviation Service Operator (SASO) is an Operator engaged in the business of providing at least one, but not more than two of the following aeronautical services on the Airport. A SASO is prohibited from providing aircraft fueling services or line services at the Airport; only an approved FBO can provide aircraft fueling services and line services. A SASO shall comply with all of the standards and provisions contained in this section. In addition, a SASO shall meet the minimum standards for each aeronautical service provided, as described in these Minimum Standards.

Each FBO and/or SASO must lease sufficient area of contiguous land on the Airport for the provision of any one of these services, or any combination of services, as may be necessary to adequately, safely, and efficiently provide such service(s).

Each Operator (FBO and SASO) will make their facilities and services available for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical users.

6.2 Aircraft Charter/Air Taxi

6.2.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate existing and/or future buildings and facilities with sufficient space for; (a) offices, flight planning, equipment storage, public restrooms, waiting and/or conference facilities for customer use, (b)

aircraft storage and maneuvering to accommodate the make and model of aircraft used, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable local and state building and fire codes, as well as applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City and State's specifications and requirements.

6.2.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA Air Charter and Taxi Operations Certificate issued under 14 CFR Part 135 or other appropriate Federal Aviation Regulation, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the services to be provided at the Airport.

6.2.3 Personnel

All pilots providing air taxi or charter services must be employed by the Operator, be fully qualified, current, and certificated by FAA for the particular air charter and air taxi service provided in each aircraft, as required by the FAA and amended from time to time. All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific management position. The Operator shall also have available sufficient trained personnel for checking in passengers and handling luggage or cargo.

6.2.4 Equipment

The Operator must own or lease, and have available under its exclusive control, a minimum of one FAA-certificated and airworthy, all-weather aircraft, that is specifically identified on the Operators FAA Part 135 operating certificate. Operator shall also own or lease sufficient ground and support equipment to safely, properly, and efficiently handle each aircraft it operates on the Airport.

6.2.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide air taxi charter services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall also have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.2.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.3 Aircraft and Parts Sales (New & Used)

6.3.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, public restrooms, and waiting or conference facilities for customer use, (b) aircraft and parts storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.3.2 Licenses, Permits, and Certifications

The Operator must hold all valid current licenses, certificates, and permits, as may be required to for the sale of new and/or used aircraft and parts. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.3.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific sales position. The Operator shall have available sufficient trained personnel for demonstrating and servicing (as necessary) the aircraft and parts being offered for sale. If flight demonstrations and/or aircraft checkouts are offered as part of the aircraft sales service, then the Operator will have in its employment a sufficient number of suitably licensed and current pilots with the proper experience and licenses to demonstrate aircraft, and/or check out customers in each aircraft.

6.3.4 Equipment

The Operator shall own or lease sufficient equipment to properly and efficiently handle and operate each aircraft being offered for sale.

6.3.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide aircraft and parts sales and service during normal business hours, five (5) days per week. The City may allow variations of that requirement The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.3.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.4 Aircraft Rental

6.4.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, equipment use and storage, public restrooms, as well as training classrooms and facilities for customer use, (b) aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.4.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required for the rental of aircraft to the public. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.4.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific management position. The Operator shall also have available sufficient trained personnel for customer demonstrations, pilot check out, and servicing (as necessary) of each aircraft being offered for rent or lease. If flight demonstrations and/or pilot checkouts are offered as part of the aircraft rental service, then the Operator will have in its employment a sufficient number of suitably licensed and current certified flight instructors, with the proper experience to demonstrate aircraft, and/or check out customers in each aircraft.

6.4.4 Equipment

All aircraft offered for rent shall be licensed and certificated by the FAA, and also be continuously maintained in an airworthy condition as prescribed by FAA. The Operator shall own or lease sufficient equipment to properly and efficiently handle and operate each aircraft being offered for rent or lease.

6.4.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide aircraft rental and lease services during normal business hours, five (5) days per week. The City may allow

variations of that requirement. The Operator shall also have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.4.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.5 Aircraft Painting, Refurbishing, and Restoration

6.5.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, workshops, equipment storage, restrooms, and waiting or conference facilities for customer use, (b) performing aircraft painting, refurbishment, or restoration, including maneuvering aircraft and equipment indoors, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. Aircraft restoration, painting, or refurbishment shall be conducted indoors in properly equipped and licensed hangars and facilities. All painting, refurbishing, and restoration activities and services must be conducted in full compliance with all appropriate City, State, and Federal environmental laws and regulations. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.5.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA Certificate, with appropriate ratings and licenses as required by the FAA, and amended from time to time, applicable to the service(s) to be provided at the Airport. In the case of aircraft painting, the Operator shall obtain and maintain current all permits and approvals to safely and efficiently conduct that service in full compliance with applicable federal, state, and city environmental laws, regulations, and ordinances and have and maintain in current status all pertinent environmental licenses, permits, and approvals. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.5.3 Personnel

All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each service being offered.

6.5.4 Equipment

Operator shall own, lease, or otherwise control sufficient equipment to properly and efficiently provide the services being offered. In the case of aircraft painting, the Operator shall own or lease all of the equipment necessary to safely and efficiently conduct that service in full compliance with applicable federal, state, and city law, regulations, and ordinances.

6.5.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide these services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any aircraft restoration and/or painting that is required to be accomplished outdoors can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such services may only be performed at other times and/or in different locations with prior written approval by the City. Such activities may only be conducted in full compliance with all applicable environmental permits, requirements, conditions, or restrictions. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.5.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.6 Aircraft Storage Hangars

6.6.1 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate hangar buildings, associated facilities (such as offices, equipment storage space, etc.) with sufficient space for; (a) aircraft storage and maneuvering, (b) offices, equipment storage, and rest rooms, as appropriate for the type of hangar (b) paved apron in front of hangar doors; (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, including fire sprinklers or other suppression systems as determined by the City and/or state; and meet all applicable federal, state, and city access provisions, including the Americans with Disabilities Act (ADA), as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.6.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required and applicable for the rental and/or lease of hangar space to the public. At the request of the

City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.6.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific position. The Operator shall have available sufficient trained and experienced personnel for moving and storing aircraft and associated equipment safely and efficiently. Operator shall not allow personnel to move, park, or store aircraft in hangar(s) unless the personnel are: in the Operators employ; have been adequately trained in aircraft maneuvering, parking, and storage; demonstrated necessary competency to maneuver, park, and store aircraft and the associated equipment; and meet all of the requirements specified by the commercial insurance policy covering the Operator.

6.6.4 Equipment

The Operator shall own or lease sufficient equipment to properly and efficiently handle and maneuver each aircraft being stored in each of Operator's hangar.

6.6.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to ensure that each hangar is available so that aircraft owners and operators have access to their aircraft 24 hours per day, seven days per week. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.6.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.7 Airframe and Powerplant (A&P) Maintenance

6.7.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, workshops, equipment storage, public restrooms and waiting areas for customer use, (b) performing airframe and powerplant maintenance, overhaul, and repairs, including maneuvering aircraft and equipment indoors, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operator's facilities shall meet all applicable building and fire codes, as well as all applicable federal, state, and city access provisions, including applicable Federal Aviation Regulations, as well as be in full compliance with Section 3, above. Airframe and powerplant maintenance, overhaul, and repairs shall be conducted indoors in properly equipped hangars or other facilities on Operators leasehold area, except when such services, such as engine runups, are required to be accomplished outdoors. All facilities, grounds, and improvements shall

be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.7.2 Licenses, Permits, and Certifications

The Operator must hold a valid current FAA certificates issued under 14 CFR Part 145, or other appropriate federal aviation regulation, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the maintenance and repair services to be provided at the Airport. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.7.3 Personnel

All management and maintenance personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each maintenance and repair service being offered, as well as adequate on-site management personnel.

6.7.4 Equipment

The Operator must own or lease sufficient equipment to properly and efficiently provide airframe and powerplant maintenance and repair services.

6.7.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide these services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any aircraft and/or powerplant maintenance, overhaul, or repair services, such as engine run-ups, that are required to be accomplished outdoors, can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such services may only be performed at other times and/or in different locations with prior written approval by the City. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.7.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.8 Avionics/Aircraft Instrument Maintenance and/or Sales

6.8.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices and workshops for performing

avionics and aircraft instrument sales, maintenance, overhaul, and repairs, (b) equipment storage, public restrooms and waiting or conference facilities for customer use and (c) maneuvering aircraft and equipment indoors (as appropriate), (d) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.8.2 Licenses, Permits, and Certifications

The Operator must hold valid and current FAA certificates issued under appropriate federal aviation regulations, with appropriate ratings and licenses as required by the FAA, and amended from time to time, for the specific services to be provided at the Airport. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.8.3 Personnel

All management personnel shall have the relevant experience, licenses, and all other qualifications required by the FAA to serve in each specific position. The Operator shall have available in their employ sufficient trained, licensed, and experienced personnel to adequately perform each service being offered.

6.8.4 Equipment

The Operator must own or lease sufficient equipment to properly and efficiently perform avionics and instrument sales and repairs.

6.8.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide avionics and instrument sales and repair services during normal business hours, five (5) days per week. The City may allow variations of that requirement. Any maintenance or repair services that are required to be accomplished outdoors can only be performed in areas designated and approved by the City, and only during normal business (daylight) hours on weekdays. Such activities may only be performed at other times and/or in different locations with prior written approval by the City. Such activities may not interfere with or disrupt any communications or navigation facilities, or any other electronic activity, at the Airport. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.8.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.9 Flight Training and/or Ground Training

6.9.1 Leased Premises

The Operator shall lease, or sublease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, ground school training, public restrooms, and waiting or conference facilities for customer use, (b) training aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operators facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. If flight simulators are used, sufficient space and power supplies must be available to safely accommodate all flight simulators. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.9.2 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required to for the training of pilots. Operator may be certified by the FAA and operate under the provisions of 14 CFR Chapter 141, Pilot Schools, or operate under 14 CFR Part 61, Certification: Pilots, Flight Instructors, and Ground Instructors, at its discretion. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.9.3 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each specific management position. The Operator shall have available in its employment a sufficient number of suitably licensed and current certified flight and ground instructors, with the proper and appropriate experience, licenses, and ratings, to adequately and safely conduct the training services being offered.

6.9.4 Equipment

The Operator shall own or lease sufficient equipment to properly handle and operate each aircraft being offered for flight training, as well as ground training, including simulators. All equipment will be maintained in such a manner as to be fully operational and in compliance with appropriate guidelines and recommendations, and meet all applicable requirements set by the FAA and as may be amended from time to time.

6.9.5 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide flight and ground training services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.9.6 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

6.10 Specialized Commercial Flying Services

6.10.2 Introduction

For the purpose of these Minimum Standards, "Specialized Commercial Flying Services" are specialized commercial flying services, which may include aerial filming, aerial patrol (such as powerlines, gas lines, environmental surveys, etc.), construction support, medical transportation, agricultural support/application, parachuting, banner towing, and other specialized services that may be identified by an Operator or the City. All specialized commercial flying services defined herein, or that may be identified by an Operator in the future, must be approved by the City before such services may be offered. The City may impose any conditions or restrictions on any such specialized flying services as may be necessary for the safe and efficient operation of the Airport.

6.10.3 Leased Premises

The Operator shall lease a sufficient amount of land to adequately accommodate buildings and facilities with sufficient space for; (a) offices, flight planning, equipment storage, restrooms, and waiting or conference facilities for customer use, (b) aircraft storage and maneuvering, (c) paved motor vehicle parking facilities to accommodate Operator's customers and employees on a daily basis. Operators facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

6.10.4 Licenses, Permits, and Certifications

The Operator must hold valid current licenses, certificates, and permits, as may be required to for the conduct of each specialized flying service as required by the FAA and State of NH. At the request of the City, the Operator will provide copies of all such licenses, certificates, and permits to the City, including any amended or changed documents.

6.10.5 Personnel

The Operators management personnel shall have the relevant experience, licenses, and all other qualifications required to serve in each management position for the specific service being offered. The Operator shall have available in its employment a sufficient number of suitably licensed and current certified pilots and support staff, with the proper experience, licenses, and ratings, to safely, adequately and efficiently conduct the specialized services being offered.

6.10.6 Equipment

The Operator shall own or lease sufficient equipment to properly handle and operate each aircraft and other equipment appropriate for each specialized flying service offered. All equipment will be maintained in good or better condition, and meet all applicable requirements set by the FAA and as may be amended from time to time.

6.10.7 Hours of Activity

The Operator shall have sufficient equipment and personnel available to provide specialized flying services during normal business hours, five (5) days per week. The City may allow variations of that requirement. The Operator shall have management personnel available on an on-call basis at all times outside of the Operator's regularly scheduled business hours in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

6.10.8 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

SECTION 7. AERONAUTICAL SERVICE PROVIDERS SUBLEASING FROM ANOTHER

Aeronautical service providers, including FBO and SASO, as defined in these Minimum Standards, may sub-lease or sub-contract services and/or facilities to another Commercial Aviation Operator, under the following conditions:

- a) The sub-lessee and/or the sub-contractor will fully comply with all of the provisions of these Minimum Standards, as well as all applicable rules, regulations, ordinances, leases, permits, agreements, and other requirements established by the City, State of NH, the FAA, or other agency that may govern the Operator and its services.
- b) The City will be notified in writing of any proposed sub-lease or sub-contract, or other similar agreement, a minimum of 30 days before such sub-leases, sub-contracts, or other similar agreements may be entered into or executed by the Operator. The City reserves the right, at its sole discretion, to review and approve such agreement. If the City does not approve the proposed sub-lease or sub-contract or similar agreement, said agreement may not be entered to by the Operator.
- c) The sub-lessee, and/or the sub-contractor will be responsible for making all payments and fulfilling all other financial obligations between the Operator and the City.
- d) The sub-lessee, and/or the sub-contractor maintains in effect and full force all of the insurance coverages and liabilities which the Operator is required to maintain, including holding the City harmless.
- e) The Operator is fully responsible and liable for all actions, conduct, statements, errors, and omissions by the sub-lessee and/or the sub-contractor.
- f) The Operator shall provide the City with a minimum of sixty (60) day notice in writing prior to any change in the sub-lease and/or sub-contract agreement. The City may, at his or her discretion, review and/or approve any proposed change to any sub-lease or sub-contract agreement in writing prior to any change being executed.

SECTION 8. NON-COMMERCIAL PRIVATE/CORPORATE OPERATOR

8.1 Definition

Non-commercial private/corporate operator means any aeronautical activity by an entity that provides aviation service(s) or operates equipment and/or facilities on the Airport solely for its own benefit, not for the benefit of the public, nor for any compensation, hire, or profit. Non-commercial and non-profit aircraft operations shall be conducted under 14 CFR Part 91, General Operating and flight Rules, unless otherwise required by the FAA.

8.2 Scope of Activity

Non-commercial private/corporate activity may include but not be limited to any non-commercial activities and services classified by FAA as general aviation activity. Such activities may include, but not be limited to, non-profit flying clubs, non-profit aviation organizations, corporate aircraft shuttle services, etc.

8.3 Leased Premises

The non-commercial Operator shall lease, or sublease a sufficient amount of land and/or buildings in areas designated by the City to adequately accommodate the intended service and/or activity being conducted on the Airport. All facilities shall meet all applicable building and fire codes, as well as applicable federal, state, and city access provisions, including applicable federal aviation regulations, as well as be in full compliance with Section 3, above. All facilities, grounds, and improvements shall be constructed and maintained in a standard and level of quality consistent with similar facilities at similar or larger airports, as determined by the City. Operator's security system must fully comply with the City's specifications and requirements.

8.4 Licenses, Permits, and Certifications

Each Operator shall obtain and maintain in current condition all necessary licenses, permits, and certifications applicable to the services being provided. If requested by the City, each Operator shall provide a copy of each license, permit, and certificate to the City, including any renewal, update, or modification thereto.

8.5 Hours of Activity

No minimum hours of operation are required for this particular service. However, the Operator shall have management personnel available on an on-call basis at all times in order to respond to requests from government agencies, as well as emergency response, with Operator response time not to exceed 60 minutes.

8.6 Personnel

During all operating hours, the Operator shall have on duty trained personnel in such numbers with such certificates and ratings as are required to meet reasonably anticipated demand in an efficient manner, for all services being provided by the Operator, including appropriate supervisory and managerial personnel.

8.7 Subcontracting Services

The Operator may subcontract or use third party operators to provide any of the aeronautical services, provided that each subcontractor meets all of the requirements of these Minimum Standards, has been prior-approved by the City in writing, and operates from the Operator's premises. Additionally, the Operator is fully responsible and liable for all of the acts, conduct, omissions, and errors of the subcontractor or third party while acting under agreement to the Operator on the Airport.

8.8 Insurance

The Operator shall carry and maintain throughout the term of their lease, permit, or agreement with the City the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.

SECTION 9. SELF-FUELING AND SELF-SERVICE AIRCRAFT SERVICING

9.1 Permit/Approval

No aircraft owner or operator, party, company, or entity shall engage in aircraft self-fueling and/or self- servicing, including constructing, installing, or leasing fuel tanks, or dispensing fuel into an aircraft, unless a valid Self-Fueling Permit authorizing such activity has been obtained from the City. The Permit shall include specific limitations and requirements for self-fueling and/or self-service aircraft servicing, and the Permit shall not reduce or limit Permittee's obligations with respect to these Self-Fueling minimum standards, which shall be included in the Permit by reference.

Prior to issuance and subsequently upon request by the City, Permittee shall provide evidence of ownership and/or control of any aircraft being operated (under the full control of) and fueled and/or serviced by Permittee, and that said aircraft are based on the Airport.

Permittee may acquire fuel from an FBO on the Airport in lieu of constructing its own storage facilities, if a written agreement has been reached with the FBO on the Airport, and submitted to the City for review and approval.

9.2 Licenses, Certifications, and Permits

Permittee shall obtain and maintain in full force all federal, state, and local licenses, certificates, and permits that are required to conduct self-fueling and/or self-service aircraft servicing activities on the Airport. Permittee shall provide to the City evidence of all such licenses, certificates, and permits, including any amendments or revisions to same.

9.3 Limitations

The Permittee shall not sell, trade, barter, or otherwise dispense any fuels to any other based or transient Aircraft for commercial or other purposes. The Permittee shall not dispense any fuels to and/or service any based or transient aircraft that are not owned by or under the full control of Permittee. Any such selling, trading, bartering, dispensing or aircraft servicing shall be grounds for revocation of the Permit by the City.

9.4 Reporting

Permittee shall maintain on file, and submit to the City, current fuel reports. Permittee shall report all fuel delivered to the approved Permittee's fuel storage facility as well as Permittee's Aircraft during each calendar month. Permittee shall submit a summary report along with appropriate fees and charges due the City on or before the 10^{th} day of the subsequent calendar month. Permittee shall, during the term of the Permit and for three (3) years thereafter, maintain records identifying the total number of aviation fuel gallons purchased, delivered, and transferred into owners aircraft. Records (and meters) shall be made available for audit by the City or designated representatives of the City. In the case of a discrepancy, Permittee shall promptly pay, in cash, all additional rates, fees, and charges due the City, plus annual interest, calculated daily, on the unpaid balance at the lesser of 18% or the maximum rate allowable by law from the date originally due.

9.5 Design and Operating Standards

Each Permittee intending to self-fuel and/or self-service their aircraft shall comply with the following standards, codes, and requirements applicable to self-fueling service and self-service aircraft servicing, as may be amended or updated from time to time:

- National Fire Protection Association (NFPA) 407, "Standard for Aircraft Fuel Servicing"
- FAA Airport Circular AC 150/5230-4A, "Aircraft Fuel Storage, Handling and Dispersing on Airports"
- FAA Advisory Circular 00-34A "Aircraft Ground Handling and Servicing"
- Applicable State of New Hampshire requirements, and City of Concord Land Development Regulations, as well as City Building and Fire Codes, as may be amended from time to time
- Develop, maintain, and fully comply with an approved and current SPCC Plan, which must be fully consistent with City's SPCC plan.
- Develop, maintain, and fully comply with an approved and current Standard Operating Procedures (SOP) and Emergency Response Plan
- All employees involved in fueling and line services must successfully complete fuel handling, training, and licensing requirements, including NH Department of Environmental Services Underground Storage Tank (UST) Training and Certification

All facilities and improvements constructed, leased, or operated by the Permittee shall also be in full compliance with Section 3, above. Permittee's security system must fully comply with the City's specifications and requirements.

9.6 Fuel Products and Hours of Operation

Permittee shall acquire, store, and dispense only fuel and other products that comply with appropriate federal and state standards and guidelines. Permittee is not subject to minimum number of hours of operation or times of operation. However, Permittee must operate in accordance with any procedures or limitations established by the City.

9.7 Fuel Storage

If Permittee installs and operates its own fuel storage facilities, it shall arrange and demonstrate to the City, to the City's satisfaction, that satisfactory arrangements have been made for the delivery and storage of fuel in fuel storage tanks located on the Permittee's leasehold area, and approved by the City. Permittees shall lease sufficient land to install adequate fuel storage facilities, including vehicle access, parking, setbacks, etc., as may be required, in the designated fuel storage area approved by the City. Permittee shall ensure that all fuel storage facilities are in full compliance with all applicable federal, state, and city regulations, ordinances, and guidelines. Permittee shall construct, install, or lease fuel storage facilities of sufficient capacity to ensure that deliveries by the fuel supplier (wholesale) ground vehicles are limited to a reasonable number.

Permittee shall adopt and maintain a current spill prevention controls and countermeasures plan in accordance with applicable federal, state, city, and City laws, rules and regulations, which shall be consistent with the City's current SPCC Plan.

Permittee shall develop and maintain Standard Operating Procedures (SOP) and Emergency Plan for fueling and ground handling. Permittee's SOP shall include a training plan, fuel quality assurance procedures, record keeping, best management practices, Airport security procedures, and emergency response procedures for fuel fires and spills. Permittee's SOP shall also address bonding and fire protection; public protection; control of access to fuel storage facilities and vehicles; and marking and labeling of fuel storage tanks and refueling vehicles. Permittee's SOP shall be submitted to the City for review, comment, and approval.

9.8 Hours of Activity

No minimum hours of operation are required for this particular service. However, the Permittee shall have management personnel available on an on-call basis at all times in order to respond to requests from government agencies, as well as emergency response, with Permittee response time not to exceed 60 minutes.

9.9 Permittee Liability and Responsibility

Permittee shall be liable and indemnify the City for all leaks, spills, or other damage that may result through the handling and dispensing of fuel and/or other products. Permittee shall be liable and responsible for all cleanup and remediation activities and costs that may be required by federal, state, and city agencies. Permittee shall be responsible for ensuring that all fuel delivered shall be clean, bright, pure, and free of microscopic organisms, water, or other contaminants.

9.10 Fueling Equipment

The Permitee shall provide proper fuel dispensing equipment to service aircraft, including mobile fuel dispensing trucks to service owner's aircraft based at the Airport. In addition, Permittee shall have available all equipment necessary for the collection of any fuel spill or dispersal of other contaminants. If more than one grade of fuel is dispensed, separate dispensing pumps for each grade of fuel are required. Fuel may only be stored in approved storage tanks. All fuel handling and storage facilities, equipment and procedures shall strictly comply with all applicable federal, state, city and local laws, rules and regulations, including without limitation, the most current rules and regulations promulgated by the federal, state, and city agencies.

9.11 Personnel

All fueling personnel shall be properly trained and qualified to perform their duties. Records of successful completion of said training, including certificates, etc., shall be maintained by the Permittee, and submitted to the City. All fueling personnel shall document that they have received appropriate training in, and are fully familiar with, all pertinent Airport operating rules and regulations, in particular those dealing with Airport access; Airport security; emergency response; communications; and any other information required by the City. Permittee is

responsible for ensuring and documenting that all fueling personnel have successfully completed the appropriate background and security checks as required by the City, FAA, and TSA, and that all personnel have received the appropriate badges and/or any other approvals from the City that may be required to access the Permittees fuel tank(s) and aircraft on the Airport.

9.12 Insurance

The Permittee shall carry and maintain throughout the term of their lease, permit, or agreement with the Airport the insurance coverages that meets (or exceeds) the requirements specified in the lease, permit, or agreement.