

On motion of Wentworth, seconded by Skare and unanimously carried, the Board adopted Beltrami County Ordinance #22, Ordinance for Airport Standards, this is an ordinance establishing minimum standards for the conduct of commercial and non-commercial aeronautical operations at and upon the Bemidji-Beltrami County Airport and setting forth the penalties for the violation thereof.

COUNTY OF BELTRAMI)
(SS
STATE OF MINNESOTA)

I, Norm Moody, County Coordinator for the County of Beltrami County, Minnesota do hereby certify that the attached is a true and correct copy of an ordinance adopted by the County Board of Commissioners at their regular scheduled Board meeting on Tuesday, January 8, 1991.

BY: Norm Moody
Norm Moody, County Coordinator

325252

OFFICE OF COUNTY RECORDER
Beltrami County, Minnesota

I hereby certify that this instrument was filed in this office for record on the 19th day of March A.D. 19 91 at 10:15 o'clock A M. and was duly recorded by Microfilm No. 325252

Ann F. Allen

Allen M. Shetter
COUNTY RECORDER
DEPUTY

CHAPTER _____

Joint Powers — For Reference

Beltrami County
Ordinance No. 22

City of Bemidji
Ordinance No. _____

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR THE CONDUCT OF COMMERCIAL AND NON-COMMERCIAL AERONAUTICAL OPERATIONS AT AND UPON THE BEMIDJI-BELTRAMI COUNTY AIRPORT AND SETTING FORTH THE PENALTIES FOR THE VIOLATION THEREOF.

The County Board of Beltrami County and the City Council of Bemidji do hereby ordain:

SECTION 1. DEFINITIONS

"Aeronautical Services" means any service which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

"Airport" means the Bemidji-Beltrami County Airport.

"Commission" means the Bemidji-Beltrami County Airport Commission.

"FAA" means the Federal Aviation Administration.

"FBO" means a fixed based operator providing essential services to general aviation, including sales of fuel and oil, facilities for tie-down or other storage of aircraft, ramp services and some capability for minor flight line repairs.

"FAR" means Federal Aviation Regulations as promulgated by the FAA.

"Lessee" means any Operator leasing land or facilities at the Airport from the Commission.

"Minimum Standards" means the qualifications which are established herein as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the Airport.

"Operator" means any person, firm, partnership, corporation, association or group providing any one or a combination of aeronautical services to or for aviation users at the Airport.

"Part 43" means FAR's governing maintenance, preventative maintenance, rebuilding and alteration of aircraft.

"Part 135" means FAR's governing air taxi operators and commercial operators.

SECTION 2 GENERAL STANDARDS APPLICABLE TO ALL OPERATIONS

Subdivision 1. LEASE. All Aeronautical Services conducted at and upon the Airport shall be in accordance with a lease of land or facilities between the Commission and the Operator, which lease shall be for a term mutually agreeable to the parties and commemorate with the Operator's financial investment in its facility.

Subdivision 2. EXPERIENCE. Any person making application to the Commission to act as an Operator shall have experience satisfactory to the Commission with the Aeronautical Service being proposed; provided that it shall be satisfactory if one or more supervisory personnel have had such experience or if the applicant can demonstrate experience at activities deemed by the Commission to be adequately related to the activities proposed.

Subdivision 3. FINANCIAL. All applications to conduct Aeronautical Services at the Airport shall be accompanied by such financial statements and bank letters as shall satisfy the Commission that the applicant possess the financial ability and commitments to construct required facilities and conduct required operation.

Subdivision 4. GOVERNMENTAL MANDATES. All leases for Airport land and facilities shall contain each of the following state and federal government mandates:

- A. Finance Nondiscrimination Provisions
- B. Affirmative Action Assurances
- C. Civil Rights Assurances
- D. Nonexclusive Rights Provisions
- E. Other Mandated Provisions

Subdivision 5. COMMON USE. All Operators shall have the right with others in common to use Airport runways, taxi ways, aprons, roadways, lighting, signals and other conveniences for take-off, flying and landing of aircraft.

Subdivision 6. CONSTRUCTION. All construction performed or caused to be performed by an Operator shall be in accordance with design and construction requirements of the Commission, applicable building codes and State and federal regulations. All plans and specifications shall be submitted to the Commission for approval.

Subdivision 7. SUBLEASES. Operators shall not assign an interest in any lease with the Commission or sublease any land or facilities leased from the Commission without the written approval of the Commission upon application therefor by the Operator. Such approval may be conditioned upon sublessee's agreement to meet such additional minimum standards as the Commission, in its discretion may impose.

SECTION 3
PARTICULAR STANDARDS APPLICABLE TO SPECIFIC OPERATIONS

Subdivision 1. AIRCRAFT MAINTENANCE AND REPAIR.

A. Facility requirements.

(1) A minimum of 19,875 square feet of land is needed to contain the required parking and building area of an aircraft maintenance and repair operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>5,400</u>	sq. ft. (4 planes)
	Subtotal	14,400	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 19,875 sq. ft.

(2) Telephone. Each operation would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file at the Commission.

B. Personnel. One person currently certified by the FAA with ratings appropriate for work being performed in compliance with FAR Part 43.

C. Equipment. Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

D. Certification. Operator agrees to maintain and operate a repair station approved by the FAA with rating as follows: Engine, Air Frame and Accessories - Restricted Class I, II and III."

E. Hours of Operation. The normal operating hours shall be from 8:00 a.m. to 5:00 p.m. six days a week.

F. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single
Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as
an additional insured.

Subdivision 2. AIRCRAFT PARTS AND SUPPLIES SALES.

A. Facility Requirements.

(1) A minimum of 14,475 square feet of land is needed to contain the required parking and building area of an aircraft supplies operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>None</u>	
	Subtotal	9,000	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 14,475 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. One person on duty during business hours.

C. Hours of Operation. Shall be open and services available a minimum of eight hours per day six days per week.

D. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall include the Commission as an additional insured.

Subdivision 3. AIRCRAFT SALES.

A. Facility requirements.

(1) A minimum of 17,175 square feet of land is needed to contain the required parking and building area of an aircraft sales operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>2,700</u>	sq. ft. (2 planes)
	Subtotal	11,700	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,550	sq. ft.

TOTAL 17,175 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. One person having current private pilot certificate in compliance with FAR Part 61 with rating appropriate for the types of aircraft to be demonstrated.

C. Dealership. New aircraft dealer shall hold an authorized factory or subdealership. All aircraft dealers shall hold a dealership license or permit if required by the state.

D. Equipment. Aircraft - A dealer shall have available or on call two aircraft available for sale.

E. Hours of Operation. The normal operating hours shall be from 8:00 a.m. to 5:00 p.m. six days a week.

F. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 4. AVIONICS.

A. Facility Requirements.

(1) A minimum of 17,175 square feet of land is needed to contain the required parking and building area of an avionics operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>2,700</u>	sq. ft. (2 planes)
	Subtotal	11,700	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 17,175 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. One who is currently certified by FAA as radio and/or instrument repairmen, with a General Class radio/telephone license.

C. Equipment. Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

D. Certification. Operator agrees to maintain and operate a repair station approved by FAA with ratings as follows: Avionics - Class I and II.

E. Hours of Operation. Shall be open and services available a minimum of eight hours per day six days per week.

F. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 5. FLIGHT TRAINING.

A. Facility Requirements.

(1) A minimum of 18,900 square feet of land is needed to contain the required parking and building area of a flight training operation.

(a) Parking Area:

(i)	Auto	3,000	sq. ft. (8 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>2,700</u>	sq. ft. (2 planes)
	Subtotal	12,700	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Classrooms	450	sq. ft.
	(if on-site instruction is provided)		
(iv)	Bathrooms	150	sq. ft.
(v)	Mgr. & Debrfing	<u>200</u>	sq. ft.
	Subtotal	6,200	sq. ft.

TOTAL 18,900 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. At least two people on duty, at least one of whom is certificated in FAR Part 61 to provide the type of instruction offered.

C. Equipment. Aircraft. Each school shall have available for use in flight training either owned or under written lease agreement not less than two certificated airworthy aircraft, one of which must be a four place and one which must be equipped for and capable of instrument flight.

D. Hours of Operation. Shall be open and services available a minimum of eight hours per day six days per week.

E. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 6. AIRCRAFT RENTAL AND LEASE.

A. Facility Requirements.

(1) A minimum of 17,175 square feet of land is needed to contain the required parking and building area of an aircraft maintenance and repair operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>2,700</u>	sq. ft. (2 planes)
	Subtotal	11,700	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 17,175 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. One person having a current commercial Certified Flight Instructor rating.

C. Equipment. Lessee shall have available for rental, either owned or under written lease to lessee, at least two (2) four place single-engine aircraft and one (1) instrument rated aircraft all certificated and currently airworthy.

D. Hours of Operation. Shall be open and services available a minimum of eight hours per day six days per week.

E. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 7. SPECIALIZED COMMERCIAL FLIGHT SERVICES.

A. Facility Requirements.

(1) A minimum of 14,475 square feet of land is needed to contain the required parking and building area for any of the above commercial operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	7,000	sq. ft. (2 planes)
(iii)	Tie Down	<u>None</u>	
	Subtotal	9,000	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 14,475 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. At least one pilot with current commercial certificate by the FAA who is appropriately rated to conduct the specialized flight service offered.

C. Equipment. Aircraft - One aircraft which is certificated and airworthy for the specialized flight service offered.

D. Hours of Operation. Lessee is obligated to be in operation during the hours advertised.

E. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 8. AERIAL APPLICATIONS.

A. Facility Requirements.

(1) A minimum of 14,475 square feet of land is needed to contain the required parking and building area of an aerial application operation.

(a) Parking Area:

(i)	Auto	2,000	sq. ft. (4 stalls)
(ii)	Ramp	<u>7,000</u>	sq. ft. (2 planes) (Loading area for chemical must be marked or protected from public access, one plane and loading equipment)
	Subtotal	9,000	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft. (A 400 sq.ft. segregated chemical storage area protected from public access) Meeting applicable fire code.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>75</u>	sq. ft.
	Subtotal	5,475	sq. ft.

TOTAL 14,550 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. One person holding current FAA commercial certificate properly rated for the aircraft by FAA with ratings appropriate for work being performed in compliance with FAR Part 43.

C. Equipment.

(1) Aircraft - At least one aircraft which will be airworthy meeting all the requirement of FAR Part 137 of FAA regulations and applicable regulations of the state.

(2) Chemical Loader - Maintain in proper working order.

D. Hours of Operation. Lessee is obligated to be in operation during the hours advertised.

E. Dispensing of Material. No persons may dispense or cause to be dispensed any material or substance in a manner that creates a hazard to persons and property.

F. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 9. PART 135 OPERATIONS.

A. Facility Requirements.

(1) A minimum of 16,950 square feet of land is needed to contain the required parking and building area of an air taxi services operation.

(a) Parking Area:

(i)	Auto	4,400	sq. ft. (12 stalls)
(ii)	Ramp	<u>7,000</u>	sq. ft. (2 planes)
	Subtotal	11,400	sq. ft.

(b) Building Area:

(i)	Hangar	5,000	sq. ft.
(ii)	Office	400	sq. ft.
(iii)	Bathrooms	<u>150</u>	sq. ft.
	Subtotal	5,500	sq. ft.

TOTAL 16,950 sq. ft.

(2) Telephone. Each operation(s) would be required to have at least one incoming/outgoing line with the telephone number appropriately listed in the local directory published by the telephone company and emergency numbers on file with the Commission.

B. Personnel. Office must be staffed by an individual thoroughly familiar with FAR Part 135 operations. Pilots must be properly certified for the type of FAR Part 135 operation performed.

C. Equipment. Aircraft - Two (2) aircraft of which at least one is high performance or twin engine, meeting all the requirements of FAR Part 135.

D. Hours of Operation. Shall be open and services available a minimum of eight hours per day six days a week.

E. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

Subdivision 10. FULL SERVICE COMMERCIAL OPERATOR.

A. Facility Requirements.

(1) A minimum of 53,700 square feet of land is needed to contain the required parking and building area of a full service operation.

(a) Parking Area:

(i)	Auto	6,000	sq. ft. (16 stalls)
(ii)	Ramp	<u>36,600</u>	sq. ft.
	Subtotal	<u>42,600</u>	sq. ft.

(b) Building Area:

(i)	Hangar	10,000	sq. ft. (7,000 must be clear span hanger.)
(ii)	Office	700	sq. ft.
(iii)	Bathrooms	<u>150</u>	sq. ft.
	Subtotal	<u>11,100</u>	sq. ft.

TOTAL 53,700 sq. ft.

(2) Telephone - Each FBO must have:

- At least one private business telephone line, with the number appropriately listed in the local directory published by the telephone company.
- At least one public pay phone accessible 24 hours per day.
- At least one telephone at all self service fueling facilities in case of emergencies or operational problems.
- A phone number where someone can be reached 24 hours/day to discuss operational problems must be prominently displayed.

B. Personnel.

(1) Full Service. One person properly trained in fueling operations shall be on duty during operating hours.

(2) Self-Service. All persons utilizing the self-service facilities shall be properly trained by a qualified representative of a FBO prior to having access to the self-service system.

C. Equipment. A minimum of one 10,000 gallon tank per fuel grade. Must maintain required safety and environment standards according to the National Fire Protection Association (NFPA) and Federal, State and local codes.

D. Hours of Operation. The normal operating hours shall be from 7:00 a.m. to 8:00 p.m. seven days a week except major holidays.

E. Insurance Coverage.

(1) The applicant for a commercial operations license whose operation will involve the use of aircraft must hold insurance contracts as per Minnesota State Statutes.

(2) Comprehensive General Liability Minimum Combined Single Limit for: Bodily Injury & Property Damage = \$1,000,000

(3) The insurance specified above shall name the Commission as an additional insured.

SECTION 4 NON-COMMERCIAL AVIATION FUEL USAGE

Subdivision 1. EXCLUSIVE USE. Lessees possessing a private use, non-commercial aviation fuel facility shall not share, sub-lease or in any other manner provide fuel or fueling facilities to any other tenant or aircraft except those aircraft owned by or leased to such Lessee for its exclusive use.

Subdivision 2. FUEL FACILITIES. All fueling facilities shall be constructed and operated in accordance with plans and specifications submitted to and approved by the Commission and shall at all times comply with applicable federal, state and local laws and regulations. Fuel storage tanks shall have at least a 10,000 gallon capacity.

Subdivision 3. FUEL FLOWAGE FEE. All non-commercial aviation fuel Lessees shall pay to the Commission such fuel flowage fees as the Commission imposes upon Commercial Fuel sales Operators on the Airport. Such fee shall be based upon fuel received into storage and Lessee shall report to the Commission on or before the 10th of each month the number of gallons received each prior month and shall submit therewith a copy of all receipts from the wholesale fuel vendor as evidence thereof.

Subdivision 4. INSURANCE. Each non-commercial aviation fuel lessee shall carry comprehensive general liability insurance with a minimum combined single limit of \$1,000,000 for bodily injury and property damage.

SECTION 5 FLYING CLUBS

Subdivision 1. NONPROFIT. All flying clubs operating on the Airport shall be non-profit corporate or partnership entities and shall not derive revenue from operation of the club and aircraft owned by or lease to the club then is necessary to defer actual costs of operation, maintenance and replacement of such aircraft. Club financial records shall be maintained and made available to the Commission upon request.

Subdivision 2. EXCLUSIVE USE. Each person using club equipment and facilities shall be a member of the club. The club's aircraft shall not be used by other than members or by any person for hire, rental, charter, air taxi, or other commercial use. Student instruction may be given in club aircraft by one club member to another club member, provided no compensation is given or received therefor. Aircraft maintenance provided by the club shall be limited to maintenance not requiring a certificated mechanic or performed by a certificated mechanic without compensation therefor. All other maintenance shall be performed by an airport Operator providing such service.

Subdivision 3.INSURANCE. Each flying club shall carry comprehensive general liability insurance with a minimum combined single limit of \$500,000 for bodily injury and property damage.

**SECTION 6
VIOLATION A MISDEMEANOR**

Any person, party, firm, corporation or partnership who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor. Each day's failure to comply with any of the provisions of this Ordinance shall constitute a separate violation.