City Clerk's Office Item # ___

Background Paper for Proposed Ordinance

COUNCIL MEETING DATE: _____, 2026

TO: President Mark Aliff and Members of City Council

CC: Mayor Heather Graham

VIA: Clyde Bishop, City Clerk

FROM: Greg Pedroza, Director of Aviation

SUBJECT: AN ORDINANCE ADOPTING MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AT PUEBLO MEMORIAL AIRPORT AND REPEALING ALL PRIOR MINIMUM STANDARDS FOR AERONAUTICAL SERVICES

SUMMARY:

This Ordinance adopts new Minimum Standards for Commercial Aeronautical Activities at Pueblo Memorial Airport, replacing the Minimum Standards for Airport Aeronautical Services dated May 17, 1977. The new Minimum Standards establish qualifications, requirements, and conditions for persons and entities providing commercial aeronautical services at the Airport, including Fixed Base Operators, Specialized Aviation Service Operators, and holders of Commercial Aeronautical Service Provider Permits. The Minimum Standards are attached as Exhibit A.

The 1977 standards are outdated and do not reflect current Federal Aviation Administration guidance, including Advisory Circular 150/5190-8 (December 7, 2023), the April 2025 Airport Sponsor Grant Assurances, or current federal regulatory requirements. The new Minimum Standards align with current FAA guidance and are calibrated to the operational profile of Pueblo Memorial Airport as a small non-hub airport with Essential Air Service.

PREVIOUS COUNCIL ACTION:

The City Council adopted minimum standards for airport aeronautical services on May 17, 1977. The instrument number for the 1977 adoption could not be located in available records. No amendments to the 1977 standards have been identified. This Ordinance repeals all prior minimum standards for aeronautical services at the Airport.

BACKGROUND:

Pueblo Memorial Airport is a federally obligated airport that has received Airport Improvement Program grants. As a condition of those grants, the City has accepted the Airport Sponsor Grant Assurances, which require (among other obligations) that the Airport be made available for public use on reasonable terms and without unjust discrimination, that no exclusive rights be granted for aeronautical services, and that the Airport be operated in a financially self-sustaining manner.

The FAA strongly recommends that airport sponsors adopt minimum standards for commercial aeronautical activities to promote safety, protect airport users, enhance the availability of services, promote orderly development, and prevent disputes between aeronautical service providers. FAA Advisory Circular 150/5190-8 and FAA Order 5190.6C, Chapter 10, provide the framework for developing minimum standards that comply with the Grant Assurances.

The new Minimum Standards establish requirements for three categories of commercial operators: Fixed Base Operators (full-service providers offering fueling, line services, and maintenance), Specialized Aviation Service Operators (single-service or limited-service providers), and Commercial Aeronautical Service Provider Permit holders (individuals providing limited flight instruction or mechanic services). The standards address leasing, prequalification, insurance, environmental compliance, self-service rights, nondiscrimination, enforcement, and variance procedures.

FINANCIAL IMPLICATIONS:

There are no direct financial implications for the City. The Minimum Standards establish requirements for private operators, not City expenditures. Compliance with the Minimum Standards and Grant Assurance 24 (Fee and Rental Structure) supports the Airport's financial self-sustainability.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Ordinance.

STAKEHOLDER PROCESS:

The Department of Aviation provided written notice of the proposed Minimum Standards to all current Airport operators and tenants. A copy of the proposed Minimum Standards was made available for review at the Airport administrative offices and on the City's website. .

ALTERNATIVES:

If this Ordinance is not approved, the 1977 Minimum Standards will remain in effect. Those standards do not comply with current FAA guidance, cite repealed federal regulations, contain inadequate insurance requirements, and lack provisions for self-service rights, environmental compliance, variance procedures, and current nondiscrimination requirements. Continued reliance on the 1977 standards increases the City's exposure to FAA Part 16 complaints and may place the City's federal grant eligibility at risk.

RECOMMENDATION:

Approve the Ordinance.

Attachments:
Exhibit A: Minimum Standards for Commercial Aeronautical Activities at Pueblo Memorial Airport
Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AT PUEBLO MEMORIAL AIRPORT AND REPEALING ALL PRIOR MINIMUM STANDARDS FOR AERONAUTICAL SERVICES

WHEREAS, the City of Pueblo is a home rule municipality organized and existing under Article XX of the Colorado Constitution, which vests in home rule municipalities plenary authority over matters of local concern, including the ownership, operation, and administration of municipal airports; and

WHEREAS, C.R.S. § 41-4-201 empowers city councils to acquire, establish, operate, and regulate airports and provides that city councils shall grant no exclusive concession, license, or lease agreement relating to the business of servicing, repairing, or furnishing supplies for aircraft; and

WHEREAS, C.R.S. § 41-4-204 empowers cities to provide rules and regulations covering the use of airports and to exact and require charges, fees, and tolls in connection with the maintenance of airports; and

WHEREAS, Section 3-1-2(b) of the Pueblo Municipal Code authorizes the Airport Manager to conduct the business of the Airport and to carry out and enforce the provisions of PMC Title III, Chapter 1; and

WHEREAS, Section 3-1-2(l)(3) of the Pueblo Municipal Code subjects all users of and persons on the Airport to minimum standards now in effect or hereafter adopted or revised for the Airport; and

WHEREAS, the City has accepted the Airport Sponsor Grant Assurances as a condition of receiving Airport Improvement Program grants from the Federal Aviation Administration, and those Grant Assurances require the City to make the Airport available on reasonable terms and without unjust discrimination, to grant no exclusive rights for aeronautical services, and to maintain a fee and rental structure that makes the Airport as financially self-sustaining as possible; and

WHEREAS, the FAA Advisory Circular 150/5190-8, Minimum Standards for Commercial Aeronautical Activities (December 7, 2023), strongly recommends that airport sponsors adopt minimum standards to promote safety, protect airport users, enhance the availability of services, and prevent disputes between aeronautical service providers; and

WHEREAS, the City Council finds it necessary and appropriate to adopt new Minimum Standards for Commercial Aeronautical Activities at Pueblo Memorial Airport that comply with current federal requirements and are calibrated to the Airport's operational profile as a small non-hub airport with Essential Air Service; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The Minimum Standards for Commercial Aeronautical Activities at Pueblo Memorial Airport, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby

adopted as the minimum standards governing commercial aeronautical activities at Pueblo Memorial Airport.

SECTION 2.

All prior minimum standards for aeronautical services at Pueblo Memorial Airport, including the Minimum Standards for Airport Aeronautical Services dated May 17, 1977, and any amendments thereto, are hereby repealed. This repeal shall not affect the validity of any Lease, License, or Permit issued under the prior minimum standards that is in effect on the date this Ordinance becomes effective; provided, however, that any such Lease, License, or Permit shall be subject to the Minimum Standards adopted by this Ordinance upon renewal, extension, amendment, or renegotiation.

SECTION 3.

The officers and staff of the City are authorized to perform any and all acts consistent with the intent of this Ordinance to effectuate the policies and procedures described herein, including the administration and enforcement of the Minimum Standards.

SECTION 4.

(a) The Minimum Standards adopted by this Ordinance, including every provision establishing an obligation, prohibition, or condition of conduct, and any provision establishing or altering a penalty, may be amended only by ordinance.

(b) Notwithstanding subsection (a), and consistent with the City's authority under C.R.S. § 41-4-204, the City Council may by resolution amend the following administrative schedules, which are technical and operational in nature and do not themselves define conduct subject to penalty: (1) the Schedule of Minimum Insurance Requirements (Attachment A); (2) the minimum quantities, capacities, and equipment counts stated in numeric form; (3) any table of fees, rates, or charges incorporated by reference; and (4) the application and permit forms. A resolution adopted under this Section shall supersede the corresponding schedule then in effect, and the schedule as amended shall be maintained with the official copy of the Minimum Standards in the office of the City Clerk.

(c) Before the City Council amends a schedule under subsection (b), the Director of Aviation shall give written notice of the proposed amendment to all affected Operators and shall provide a public comment period of not less than fourteen (14) days.

(d) A limit, quantity, figure, or fee established or amended by resolution under subsection (b) is enforced administratively, including through denial of Airport access, default under an Operator's Lease, License, or Permit, or suspension or revocation of operating privileges, and shall not, by reason of having been set by resolution, be the basis for a municipal offense under Pueblo Municipal Code § 3-1-8.

SECTION 5.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

Action by City Council:

Introduced and initial adoption of Ordinance by City Council on _____.
Final adoption of Ordinance by City Council on _____.

_____
PRESIDENT OF CITY COUNCIL

Action by the Mayor:

☐ Approved on _____, 2026.

☐ Disapproved on _____ based on the following objections:

_____

_____

_____

_____
MAYOR

Action by City Council After Disapproval by the Mayor:

☐ Council did not act to override the Mayor's veto.

☐ Ordinance re-adopted on a vote of _____, on _____.

☐ Council action on _____ failed to override the Mayor's veto.

_____
PRESIDENT OF CITY COUNCIL

ATTEST

_____
CITY CLERK

EXHIBIT A

PUEBLO MEMORIAL AIRPORT

MINIMUM STANDARDS
FOR
COMMERCIAL AERONAUTICAL ACTIVITIES

Adopted by the City Council of the City of Pueblo

Ordinance No. _____

_____, 2026

Pueblo Memorial Airport
31201 Bryan Circle, Pueblo, Colorado 81001
(719) 553-2760

SECTION 1 – DEFINITIONS

1.01 Aeronautical Activity – Shall mean any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. Activities within this definition, commonly conducted on airports, include, but are not limited to, the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and services, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute or ultralight vehicle activities, commercial unmanned aircraft system (UAS) operations, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as aeronautical activities. Activities such as model aircraft and model rocket operations are not aeronautical activities.

1.02 Agreement – Shall mean written contract (e.g., lease agreement, permit, etc.) enforceable by law between the City and another entity transferring rights or interest in land and/or Improvements and/or authorizing the conduct of certain Activities.

1.03 Air Carrier – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(h).

1.04 Aircraft – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(g).

1.05 Airport – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(a).

1.06 Airport Manager – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(d).

1.07 Air Operations Area (AOA) – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(c).

1.08 Airport Rules and Regulations – The rules and regulations governing use of Pueblo Memorial Airport as adopted and amended by the City.

1.09 Airport Security Program (ASP) – Shall mean the sensitive security information (SSI) provided in the Airport Security Program required by 49 CFR Part 1542 and approved by the TSA, that describes the security requirements that must be implemented at the Airport. The current ASP is on file in the Airport Administration office.

1.10 City – The City of Pueblo, Colorado, a Colorado municipal corporation.

1.11 Commercial Aeronautical Activity – Shall mean any Aeronautical Activity conducted at or out of the Airport by any Entity involving: (1) the exchange, trading, buying, hiring, providing, or selling of commodities, goods, services, or property on the Airport; (2) engaging in an activity on the Airport for the purpose of securing revenue, earnings, income, barter, and/or compensation, whether or not such revenue, earnings, income, barter, and/or compensation are ultimately exchanged, obtained, or transferred; or (3) the offering or exchange of any product, service, or facility on the Airport as a part of other revenue, earnings, income, and/or compensation producing activity on or off the Airport. An activity conducted by a nonprofit, charitable, or tax-exempt entity is not exempt from this definition solely by reason of that status if the activity otherwise meets the criteria above; however, such entities are exempt from FBO and SASO minimum standards to the extent consistent with Grant Assurance 22 and these Minimum Standards.

. **1.12 Commercial Self-Service Fueling** – A fueling concept that enables a pilot to fuel an aircraft from a commercial fuel pump installed for that purpose by an FBO, the City or other Operator authorized to sell retail Self-Service Fuel. The fueling facility may or may not be attended.

1.13 Director of Aviation – Also known as Airport Director and shall mean the Director of Pueblo Memorial Airport, City of Pueblo Director of Aviation as appointed by the City of Pueblo, any duly authorized successor City department thereto, or the Director's designee. As used in these Minimum Standards, "Director of Aviation" is synonymous with "Airport Manager" as that term is used in Pueblo Municipal Code Chapter 3-1.

1.14 Entity - Shall mean a person, persons, firm, partnership, limited liability partnership or corporation; agency; unincorporated proprietorship; association or group, or corporation.

1.15 FAA – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(f).

1.16 FIXED BASE OPERATOR (FBO) shall mean a commercial business granted by the airport sponsor that maintains and operates facilities at the Airport for the purpose of providing multiple commercial aeronautical services, including the retail sale of aviation fuels, aircraft line services, and aircraft airframe and engine repair and maintenance.

1.17 Flying Club – Shall mean a flying club as defined in FAA Order 5190.6C, Section 10.6, as currently in effect, that is a nonprofit entity organized for the express purpose of providing its members with one or more Aircraft for their personal use and enjoyment. A Flying Club shall satisfy the ownership, nonprofit, and revenue conditions of FAA Order 5190.6C, Section 10.6, and shall operate in accordance with Section 3.24 of these Minimum Standards and Pueblo Municipal Code Section 3-1-2(d).

1.18 General Aviation – Shall have the meaning set forth in Pueblo Municipal Code § 3-1-1(j).

1.29 Grant Assurances – The Airport Sponsor Assurances accepted by the City as a condition of receiving federal airport development grants, as amended from time to time, including the assurances prescribed by the FAA Reauthorization Act of 2024 (P.L. 118-63).

1.20 Improvements – All buildings, structures, additions, and facilities, including pavement, fencing, and landscaping, constructed, installed, or placed on, under, or above any land on the Airport and any item (excluding trade fixtures owned by Lessee) which is affixed to the Leased Premises or affixed to any improvement thereto and which cannot be removed without damage or injury to the Leased Premises or any other improvements.

1.21 Lease – Shall mean a written contract between the City of Pueblo and an Entity specifying the terms and conditions under which an Entity may occupy and operate from Airport facilities and/or property.

1.22 Leased Premises – Shall mean the land and/or improvements subject to a Lease between the Lessee and the City.

1.23 License – An Agreement that grants or otherwise authorizes the use of Airport land or building space by an FBO or SASO operating its facilities as a sublessee.

1.24 Minimum Standards – shall mean the qualifications, requirements, and conditions set forth herein as the minimum requirements to be met by an Operator engaged in Aeronautical Activity.

1.25 Operator – An Entity that has entered into a Lease, License, or Permit with the City to occupy, use, and/or develop land and/or Improvements in order to engage in Commercial Aeronautical Activities at the Airport.

1.26 Permit – A Commercial Aeronautical Service Provider Permit as described in Section 12 of these Minimum Standards, authorizing limited Commercial Aeronautical Activities without a leasehold interest.

1.27 Self-Service – Shall mean the fueling or servicing of an aircraft (including the right to tie down, adjust, repair, refuel, clean, and otherwise service an aircraft) by the owner of the aircraft with the owner's employees and using the owner's own equipment.

1.28 Specialized Aviation Service Operator (SASO) – An Operator authorized to provide one or a combination of Commercial Aeronautical Activities, to include, but not limited to, aircraft maintenance, flight training, Aircraft Rental, Aircraft Sales, Air Ambulance, Avionics Sales and Maintenance, and specialized flying services that does not include the retail sale of aviation fuels.

1.29 Through-the-Fence (TTF) – Shall mean commercial activities permitted by the City through an agreement allowing access to the public landing area to a licensed and insured independent entity or operator offering an aeronautical activity or to owners of aircraft based on land adjacent to the Airport but who do not commercially operate out of owned or leased property on the Airport's premises.

1.30 TSA – Shall mean Transportation Security Administration of the United States Department of Homeland Security, or any department or agency succeeding to its jurisdiction or function.

1.31 Public Areas of the Airport – Shall have the meaning of "Public area" in Pueblo Municipal Code Section 3-1-1(y), that portion of the Airport available for use by the general public, and shall exclude the Air Operations Area (AOA), any Security Identification Display Area (SIDA), any Leased Premises, and any Restricted Area as defined in Pueblo Municipal Code Section 3-1-1(z).

1.32 Airport Policy Advisory Committee (APAC) – Shall mean the Airport Policy Advisory Committee established by Resolution No. 16412, as amended, acting in the appellate capacity provided in Section 3.21 of these Minimum Standards and in the ordinance adopting these Minimum Standards.

SECTION 2 – INTRODUCTION

2.01 – Authority

These Minimum Standards are promulgated under the authority of Article XX of the Colorado Constitution (home rule), C.R.S. § 41-4-201 (power to establish, operate, and regulate airports), C.R.S. § 41-4-204 (power to exact charges, fees, and tolls and to provide rules and regulations covering the use of airports), and Sections 3-1-2(b) and 3-1-2(l)(3) of the Pueblo Municipal Code. All Leases, Licenses, Permits, and other Agreements authorizing the use of Airport property and facilities shall require compliance with these Minimum Standards.

The privilege of using the Airport and any and all of its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. The City reserves the right to claim immunity from liability in connection with its operation of the Airport and to assert any defense available, including immunity or defenses pursuant to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et seq., as amended.

References and citations in these Minimum Standards to statutes, regulations, policies, and guidelines include any amendments adopted after the City's adoption of these Minimum Standards.

2.02 – Purpose

The purpose of these Minimum Standards is to: (a) encourage and promote the consistent provision of quality commercial aeronautical products, services, and facilities at the Airport; (b)

promote safety and security in all Airport activities; (c) protect Airport users from unlicensed and unauthorized products and services; (d) enhance the availability of adequate services for all Airport users; (e) promote the orderly development of Airport land; (f) provide a clear and objective distinction between service providers that will provide a satisfactory level of service and those that will not; and (g) prevent disputes between aeronautical service providers.

2.03 – Exclusive Rights and Sponsor Assurances

In accordance with 49 U.S.C. §§ 40103(e) and 47107(a), C.R.S. § 41-4-201, and Grant Assurance 23, the granting of rights or privileges to engage in Commercial Aeronautical Activities shall not be construed as affording any Entity an exclusive right, other than the exclusive use of the land and Improvements that may be leased to an Entity and then only to the extent provided in an Agreement. The presence of only one Operator engaged in a particular activity does not, in and of itself, indicate that an exclusive right has been granted. It is the policy of the City not to enter into or promote any understanding, commitment, or Agreement to exclude other qualified Entities from engaging in Commercial Aeronautical Activities at the Airport.

2.04 – Applicability

These Minimum Standards apply to any Entity proposing to conduct or conducting a Commercial Aeronautical Activity at the Airport, including Fixed Base Operators and Specialized Aviation Service Operators. These Minimum Standards do not apply to: (a) the City itself; (b) scheduled Air Carrier operations governed by a separate airline operating agreement; (c) military operations; or (d) Self-Service by aircraft owners or operators, which is governed by Section 3.16 of these Minimum Standards and the Airport Rules and Regulations.

2.05 – Relationship to Other Documents

These Minimum Standards are subordinate to the Grant Assurances and all federal obligations applicable to the Airport. These Minimum Standards supplement the Airport Rules and Regulations and are incorporated into all Leases, Licenses, and Permits. In the event of a conflict between these Minimum Standards and any other Airport policy, standard, rule, or regulation, the provision that establishes the higher or stricter standard shall prevail, unless a variance is granted pursuant to Section 3.19.

2.06 – Amendment

The City may amend these Minimum Standards from time to time as conditions require. Before these Minimum Standards are amended, all Operators at the Airport shall be given written notice of the proposed amendments. A public comment period of not less than fourteen (14) or more than thirty (30) days after the date of written notice shall be provided. The City Council shall adopt amendments to these Minimum Standards by ordinance, except that the administrative schedules identified in the adopting Ordinance may be amended by resolution as provided therein.

SECTION 3 – GENERAL REQUIREMENTS

All Operators engaging in Commercial Aeronautical Activities at the Airport shall comply with, or exceed, the requirements of this Section as well as the minimum standards applicable to each activity as set forth in subsequent sections.

3.01 – Capability and Experience

All Operators shall demonstrate, to the satisfaction of the Airport Manager, the financial capability and technical competence to pay all rents, fees, and charges owed to the City; to develop and maintain the required land and Improvements; to procure and maintain the required vehicles, equipment, and aircraft; to employ required personnel; and to engage in the proposed Commercial Aeronautical Activities in a safe, secure, and professional manner. The Airport Manager shall make this determination on the basis of the evidence required under Section 3.03, applying reasonable and objective criteria uniformly and without unjust discrimination to all similarly situated applicants, consistent with Grant Assurance 22.

3.02 – Agreement Required

No Entity shall engage in any Commercial Aeronautical Activity at the Airport without a Lease, License, or Permit authorizing such activity. No Agreement shall reduce or limit an Operator's obligations with respect to complying with these Minimum Standards. All Agreements shall contain all provisions required by the FAA as a condition of any federal grant to the City for the Airport.

3.03 – Application Process

A prospective Operator shall submit to the Airport Manager a written application (in the form provided as Attachment B or as otherwise prescribed by the Airport Manager) that includes: (a) the applicant's name, address, telephone number, and legal form of organization, including the identity of all persons holding an ownership interest of ten percent (10%) or greater; (b) a detailed description of the proposed scope of services, means, and methods of operation; (c) the proposed commencement date and term of operation; (d) the amount, size, and location of land and Improvements to be leased or constructed; (e) the number and type of aircraft to be provided; (f) the number, names, and qualifications of personnel; (g) the proposed hours of operation; (h) evidence of financial capability to initiate operations, construct proposed Improvements, and provide working capital, including a cash flow projection for the first three years; (i) the types and amounts of insurance coverage to be maintained; and (j) such additional information as may be requested by the Airport Manager.

3.04 – Payment of Rents, Fees, and Charges

Operators shall pay all rents, fees, and other charges on time as specified by the City for engaging in Commercial Aeronautical Activities. The City may enforce the payment of any amount due by any legal means available to the City under the Agreement or applicable law.

3.05 – Leased Premises

Operators shall lease or sublease an area of adequate and appropriate size, shape, and location to provide for the proposed Commercial Aeronautical Activities. The Airport Manager shall designate the specific Airport areas in which specific aeronautical services may be conducted, considering the nature and extent of the operation, the land and Improvements available, and the orderly and safe operation of the Airport. All construction or alteration of Improvements must be approved in advance by the Airport Manager and shall comply with all applicable building codes, FAA requirements (including 14 CFR Part 77), and City requirements. Operators shall maintain all Leased Premises, including all related appurtenances, landscaping, paved areas, and installed equipment, in a clean, neat, orderly, and fully operational condition, normal wear and tear excepted.

3.06 – Subleasing

If an Operator desires to sublease space to another Entity to provide one or more Commercial Aeronautical Activities, the Operator must obtain the written approval of the City. The sublessee must apply for and obtain a License to operate at the Airport and must independently satisfy the applicable Minimum Standards for the proposed Commercial Aeronautical Activity.

3.07 – Products, Services, and Facilities

Consistent with Grant Assurance 22 (Economic Nondiscrimination), Operators shall: (a) provide products, services, and facilities on a reasonable and not unjustly discriminatory basis to all Airport users; and (b) charge reasonable and not unjustly discriminatory prices for each product, service, or facility. Operators may provide reasonable and nondiscriminatory discounts, rebates, or other similar price reductions to volume purchasers. Upon request, an Operator shall submit a schedule of its product, service, and facility pricing to the Airport Manager.

3.08 – Licenses, Permits, Certifications, and Ratings

Prior to engaging in any Commercial Aeronautical Activity, the Operator shall obtain and maintain, at its sole cost and expense, all licenses, permits, certifications, and ratings required by the FAA, TSA, the State of Colorado, the City, or any other governmental authority having jurisdiction. Copies of such documents shall be made available to the Airport Manager upon request.

3.09 – Personnel

Operators shall have in their employ, on duty, and immediately available during hours of activity, properly trained and qualified personnel in such numbers as are required to comply with these Minimum Standards and to meet the reasonable demands of customers for each of the Operator's activities. The Operator shall provide a responsible person authorized to act on its behalf, together with after-hours contact information, to the Airport Manager. This list shall be updated within five (5) business days of any change.

3.10 – Aircraft, Equipment, and Vehicles

Operators shall own, lease, or otherwise have access to aircraft, equipment, and vehicles sufficient to provide the applicable aeronautical services promptly on demand. All aircraft, equipment, and vehicles shall be maintained in safe operating condition and in compliance with applicable OSHA, state, and local safety standards.

3.11 – Hours of Activity

Operators' services shall be offered during hours that meet the reasonable demand of customers for the activities. Hours of activity and contact information for after-hours service shall be clearly posted in public view using appropriate and professional signage.

3.12 – Security

Operators shall comply with the Airport Security Program and all applicable requirements of 49 CFR Part 1542 and the Airport Rules and Regulations. Operators shall designate a primary and secondary security contact and provide 24-hour telephone numbers for both individuals to the Airport Manager. Operators are responsible for the compliance of their employees, vendors, agents, and invitees with the Airport Security Program.

3.13 – Insurance

Operators shall procure, maintain, and pay all premiums for insurance of the types and in the minimum amounts specified in Attachment A for each Commercial Aeronautical Activity

conducted. All insurance companies shall be licensed to do business in the State of Colorado. All required insurance policies shall name the City of Pueblo and its officers, employees, and agents as additional insureds. Operators shall furnish certificates of insurance to the Airport Manager and shall provide not less than thirty (30) days' advance written notice to the Airport Manager of any cancellation, material change, or reduction in coverage. Lapse of required insurance coverage shall be grounds for denial of access to the Airport and may constitute a default under the Operator's Agreement. The Operator shall also furnish evidence of compliance with Colorado workers' compensation and unemployment insurance requirements, where applicable.

3.14 – Indemnification

Operators shall protect, defend, indemnify, and hold harmless the City, its officers, employees, and agents from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense, arising out of or incident to the Agreement, the use or occupancy of the Leased Premises, or the acts or omissions of the Operator, its officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, or damage may occur, unless caused by the sole negligence of the City. The City shall give the Operator reasonable notice of any claims or actions, and the Operator shall have the right to defend the same to the extent of its own interest. The obligations of this Section shall be subject to the limitations and immunities provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 et seq., as amended. The provisions of this Section shall survive the expiration or early termination of the Agreement.

3.15 – Environmental Compliance

Operators shall comply at all times with all applicable federal, state, and local environmental laws and regulations, including those administered by the United States Environmental Protection Agency, the Colorado Department of Public Health and Environment, and the City. No substances likely to impair the operation of sewage, stormwater, or drainage systems shall be placed therein, nor shall oils, greases, detergents, or other liquid wastes be disposed of by pouring on the ground. Operators engaged in fueling activities shall develop, maintain, and comply with a Spill Prevention, Control, and Countermeasure (SPCC) Plan meeting the requirements of 40 CFR Part 112. Operators shall comply with the Airport's Storm Water Management Plan and Spill Prevention Control and Countermeasure Plan as required by Section 3-1-2(I)(1) of the Pueblo Municipal Code.

3.16 – Right to Self-Service

In accordance with Grant Assurances 22 and 23, an aircraft owner or the aircraft owner's employees may perform Self-Service activities (including self-fueling, maintenance, repair, and cleaning) on the aircraft owner's own aircraft, using the aircraft owner's own equipment and resources. Self-Service is not a Commercial Aeronautical Activity and is not subject to the commercial requirements of these Minimum Standards. Self-Service activities shall be conducted in compliance with the Airport Rules and Regulations and all applicable federal, state, and local laws and regulations. An aircraft owner, or the aircraft owner's employees, may move or tow the aircraft owner's own aircraft to a self-service fueling facility and to the ramp for the enplaning and deplaning of passengers. Self-Service activities may not be contracted out to a third party. Upon request, the aircraft owner shall provide proof (such as payroll records) that individuals engaging in Self-Service activities are employees of the aircraft owner. No Operator is required or obligated to allow an aircraft owner to engage in Self-Service activities on the Operator's exclusive Leased Premises.

3.17 – Through-the-Fence Operations

Through-the-Fence operations are prohibited at the Airport except as specifically authorized by the Airport Manager in accordance with Section 3-1-2(k) of the Pueblo Municipal Code. The City's obligation to make the Airport available for the use and benefit of the public does not require the City to permit ground access by aircraft from adjacent property.

3.18 – Multiple Activities

When more than one Commercial Aeronautical Activity is conducted by an Operator at the Airport, the minimum requirements shall vary depending upon the nature of each activity and combination of activities but shall not necessarily be cumulative. In cases of overlap, the highest applicable standard shall govern.

3.19 – Variance or Exemption

The Airport Manager may, but is not obligated to, approve variances or exemptions to these Minimum Standards when unique circumstances require. Requests for variance or exemption shall be submitted in writing to the Airport Manager and shall identify: (a) the specific provision for which the variance or exemption is sought; (b) the reason for the request; (c) the anticipated impact on the Airport, other Operators, and the public; and (d) the proposed duration. The Airport Manager shall issue a written decision within ninety (90) calendar days from receipt of a complete written request. The decision shall be reasonable, not unjustly discriminatory, and consistent with prior decisions involving similar circumstances. Approval of a variance or exemption shall apply only to the particular case for which it is granted and shall not amend or alter these Minimum Standards.

3.20 – Enforcement

In the event an Operator fails to comply with these Minimum Standards, the Airport Manager shall send a written notice of violation to the Operator at its last known address. The Operator shall have thirty (30) calendar days from the date of receipt of the notice to provide a written statement to the Airport Manager explaining why the violation occurred and to advise the Airport Manager that the violation has been corrected. Failure to cure within the allotted time may result in suspension or revocation of the Operator's privileges. The Airport Manager may suspend an Operator's operations immediately, without prior notice, when necessary to protect public safety or Airport security.

3.21 – Appeals

(a) Appeal to the Airport Policy Advisory Committee. Any Entity aggrieved by a decision of the Airport Manager under Section 3.19 or Section 3.20 may appeal that decision by filing a written notice of appeal with the City Clerk within ten (10) business days after the decision is issued, identifying the decision appealed and the grounds for the appeal.

(b) Recusal of the Director of Aviation. Because the Director of Aviation serves as the Airport Manager, the Director shall not participate in, deliberate on, or vote on any appeal under this Section. The appeal shall be heard by the four (4) appointed members of the Airport Policy Advisory Committee, three (3) of whom shall constitute a quorum, and the concurrence of a majority of the members present shall decide the appeal.

(c) Hearing and recommended decision. The Committee shall convene to hear the appeal within thirty (30) days after the notice of appeal is filed and shall issue a written recommended decision within fifteen (15) days after the hearing is concluded, setting forth its findings and served on the appealing Entity and the Airport Manager.

(d) Referral to the Mayor; final decision; safety duty. The Committee's recommended decision shall be referred to the Mayor, as Chief Executive Officer of the City under Charter Section 4-3. The Mayor may adopt, modify, or reject the recommended decision, in whole or in part, by written decision stating the Mayor's reasons, and shall modify or decline implementation to the extent necessary to address any risk to the life, health, or safety of persons or to property. The Mayor's written decision shall be served on the appealing Entity and the Airport Manager and shall be the final decision of the City.

(e) Effect pending appeal. Unless the Entity's Agreement is suspended or revoked under Section 3.20, the Entity shall continue performance of its Agreement during the pendency of the appeal, and the decision of the Airport Manager shall remain in effect until the appeal is finally decided. Nothing in this Section limits the authority of the Airport Manager under Section 3.20 to suspend an Operator's operations immediately, without prior notice, when necessary to protect public safety or Airport security.

(f) Finality and judicial review. The Mayor's written decision under subsection (d) shall be the final decision of the City and shall be subject to judicial review under Colorado Rule of Civil Procedure 106(a)(4).

3.22 – Nondiscrimination

In accordance with Grant Assurance 22 (Economic Nondiscrimination) and Grant Assurance 30 (Civil Rights), all Operators shall: (a) furnish their accommodations and services on a fair, equal, and not unjustly discriminatory basis to all users thereof, and charge fair, reasonable, and not unjustly discriminatory prices for each unit or service; (b) conduct their operations in compliance with all requirements of Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, 49 CFR Part 23, 49 CFR Part 26, and the Americans with Disabilities Act; and (c) ensure that no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination on the grounds of race, color, national origin (including limited English proficiency), creed, sex, age, or disability in connection with any Commercial Aeronautical Activity at the Airport.

Noncompliance with nondiscrimination requirements, after notice and a reasonable opportunity to cure, shall constitute a material breach of the Operator's Agreement and may result in termination of the Agreement by the City.

All Leases, Licenses, and Permits shall include the following notification in all solicitations for bids and requests for proposals: "The City of Pueblo, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex, age, or disability in consideration for an award."

3.23 – General Lease and License Provisions

All Leases and Licenses shall include provisions addressing: (a) operation of leased premises for the use and benefit of the public; (b) prohibition of exclusive rights; (c) the City's right to further develop the Airport; (d) the City's right to maintain the Airport; (e) a right of flight reservation for the passage of aircraft; (f) prohibition of Airport obstructions or hazards, including compliance with 14 CFR Part 77; (g) compliance with all applicable laws, including the Airport Security Program, Airport Certification Manual, and Airport Rules and Regulations; (h) the City's right of entry; (i) conditions of termination; (j) restrictions on assignment, including a requirement of prior written City consent; and (k) subordination to federal obligations, including existing and future agreements between the City, the State of Colorado, and the United States relative to the development, operation, or maintenance of the Airport.

3.24 – Flying Clubs

A Flying Club that operates in compliance with FAA Order 5190.6C, Section 10.6, as currently in effect, is exempt from the commercial requirements of these Minimum Standards. Each Flying Club shall file with the Director of Aviation, and keep current, the club's organizational documents, a current membership list, and evidence of insurance in the amounts specified in Attachment A, as the City may reasonably require to confirm that the club qualifies under FAA Order 5190.6C, Section 10.6. The City may review the filed documents for evidence that a purported Flying Club does not qualify under that Section or is an attempt to evade these Minimum Standards. If a Flying Club fails to qualify or fails to correct a violation within thirty (30) days of written notice, the Director of Aviation may reclassify the club's Aircraft as a commercial operation, after which the club shall be subject to all requirements applicable to Commercial Aeronautical Activities, consistent with Section 1.17 and Pueblo Municipal Code Section 3-1-2(d).

3.25 – Fire and Building Code Compliance

All Operators, and all hangars and other Improvements used for Aeronautical Activities at the Airport, shall comply with the International Fire Code and the International Building Code as adopted and amended by the City of Pueblo, which are incorporated into these Minimum Standards by reference. Without limiting the foregoing, aircraft hangars and aviation facilities shall comply with Chapter 20 (Aviation Facilities) of the International Fire Code and Section 412 (Aircraft-Related Occupancies) of the International Building Code, including the exterior-wall, floor-surface and drainage, heating-equipment, finishing, and fire-suppression requirements of Sections 412.3 through 412.3.6.1 of the International Building Code. Hazardous operations, as defined in Section 412.3.6.1 of the International Building Code, including doping, hot work, fuel transfer, and spray finishing, shall be conducted only in a hangar provided with a fire suppression system as required by that Section and NFPA 409. In the event of a conflict between an incorporated code provision and these Minimum Standards, the provision establishing the higher or stricter standard shall prevail. Nothing in these Minimum Standards relieves any Operator of the obligation to obtain all required building permits and approvals from the authority having jurisdiction.

SECTION 4 – FIXED BASE OPERATOR

4.01 – Introduction

A Fixed Base Operator is an Entity maintaining facilities at the Airport for the purpose of providing multiple commercial aeronautical services, including: (a) the retail sale of aviation fuels; (b) aircraft line services; and (c) aircraft airframe and engine repair and maintenance services. An FBO may also engage in any SASO activity authorized in its Lease or License.

4.02 – Scope of Activity

An FBO shall provide the following services at a minimum: (a) the retail sale of aviation fuels (Jet A and 100LL or equivalent), lubricants, and related petroleum products; (b) aircraft parking, tie-down, and hangar storage; (c) crew and passenger lounge facilities, including public restrooms and telephone access; (d) loading, unloading, towing, and ground handling of aircraft; (e) de-icing service; (f) engine preheating; (g) aircraft starting and ground power services; (h) tire inflation and repair; (i) oxygen servicing; (j) flight planning resources; (k) properly trained attendants to direct aircraft to parking areas, tie down aircraft, fuel aircraft, and provide prompt and courteous line service.

4.03 – Leased Premises

An FBO shall lease an area adequate to accommodate its required services, including: (a) a permanent building of sufficient size to house FBO operations, including hangar space for aircraft storage; (b) an additional area of not less than 2,500 square feet for general administration, passenger and crew area, restrooms, and telephone facilities; (c) an aircraft ramp area of adequate size adjacent to the FBO hangar and administrative building to handle aircraft parking, transient aircraft needs, and aircraft movement in and out of hangar areas; (d) adequate on-site automobile parking; and (e) proper signage as approved by the Airport Manager. Restrooms shall be conveniently located, accessible to passengers and crews, free of charge, heated, and ventilated, and maintained in a clean and sanitary condition.

4.04 – Fuel Storage

The FBO shall maintain an adequate inventory of at least two grades of aviation fuel (Jet A and 100LL or equivalent). Minimum fuel storage capacity shall be not less than 20,000 gallons of Jet A and 10,000 gallons of 100LL (Avgas) or equivalent. The FBO shall maintain a current SPCC Plan and shall comply with AC 150/5230-4C, ATA Specification 103, and all applicable federal, state, and local fuel handling regulations. Fuel quality control is the responsibility of the FBO. The FBO shall maintain current fuel quality reports on file and shall make them available for inspection by the Airport Manager at any time.

4.05 – Fueling Reports

The FBO shall submit monthly fuel dispensing reports to the Airport Manager in such form and detail as the Airport Manager may require.

4.06 – Fueling Equipment

The FBO shall provide mobile or fixed fuel dispensing equipment with metered, filtered dispensers for each grade of fuel offered, capable of servicing all types of general aviation aircraft in an efficient and safe manner. Separate dispensing equipment for each grade of fuel is required. The FBO shall maintain mobile refueling equipment sufficient to provide reliable, uninterrupted fuel service, consisting of at least two (2) Jet A refueler trucks with a combined capacity of not less than 6,000 gallons. For 100LL (Avgas), the FBO shall maintain at least one (1) refueler truck with a capacity of not less than 1,000 gallons where self-service Avgas fueling is available at the Airport, or at least two (2) refueler trucks with a combined capacity of not less than 1,000 gallons where self-service Avgas fueling is not available. All fueling equipment shall comply with NFPA 407, applicable fire codes, and all federal, state, and local laws and regulations pertaining to fire safety. The FBO shall install and use adequate electrical grounding facilities at fueling locations and shall provide approved types of fire

4.07 – Other Vehicles and Equipment

The FBO shall have at least: (a) one aircraft tug or vehicle capable of providing towing services for the typical aircraft using the Airport; (b) one ground power unit; (c) one de-icing unit; (d) proper equipment for inflating aircraft tires; and (e) adequate tie-down equipment, including ropes, chains, restraining devices, and wheel chocks. All equipment shall be maintained and operated in compliance with OSHA and applicable state and local safety standards.

4.08 – Hours of Activity

The FBO shall provide services from dawn to dusk, seven days per week, and shall be available on call at all other times. Sales of fuel and lubricants and into-plane delivery of aviation fuels shall be available at a minimum from dawn to dusk, seven days per week, and on call at all other times.

4.09 – Employees

The FBO shall employ and have on duty during all operating hours trained personnel in such numbers as are required to meet the Minimum Standards in an efficient manner for each aeronautical service being performed. The FBO shall provide trained line service personnel during all operating hours.

4.10 – Aircraft Removal

The FBO shall be prepared and have personnel trained, along with necessary equipment, to assist in the removal of disabled aircraft from Airport movement areas as directed by the Airport Manager.

4.11 – Insurance

The FBO shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for Fixed Base Operators.

SECTION 5 – AIRCRAFT MAINTENANCE OPERATOR (SASO)

5.01 – Introduction

An Aircraft Maintenance Operator is an Entity providing one or a combination of aircraft airframe, powerplant, propeller, appliance, inspection, maintenance, preventive maintenance, repair, rebuilding, or alteration services, as authorized by applicable law and the Operator's FAA certificates, ratings, or other approvals.

5.02 – Leased Premises

An Aircraft Maintenance Operator shall lease or sublease an area adequate to provide enclosed hangar space for at least one (1) aircraft upon which maintenance is being performed, shop space sufficient to house required equipment and tools, and additional space for office, restrooms, customer area, and telephone or other business communications facilities. The Operator shall also provide adequate storage space for aircraft parts, materials, and equipment, and shall maintain paved aircraft access and on-site automobile parking within or directly serving the Leased Premises.

5.03 – Licenses and Certification

The Operator shall obtain and maintain all FAA certificates, ratings, and other authorizations required for the services it offers and the work it performs. If the Operator represents itself as an FAA-certificated repair station or performs work requiring a repair station certificate, the Operator

shall obtain and maintain the appropriate FAA repair station certificate and ratings under 14 CFR Part 145. If the Operator performs maintenance limited to aircraft lawfully maintainable by a repairman certificate (light-sport) with a maintenance rating, the Operator shall ensure that such work remains within the scope of the certificate holder's FAA privileges and limitations.

5.04 – Employees

The Operator shall have in its employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the Minimum Standards in an efficient and safe manner. The Operator shall have at least one (1) FAA-certificated mechanic with ratings appropriate to the work being performed, or, for maintenance limited to aircraft lawfully maintainable by a repairman certificate (light-sport) with a maintenance rating, at least one (1) individual holding the applicable repairman certificate (light-sport) with a maintenance rating and appropriate category or class privileges for the work being performed. Persons who are not certificated mechanics or repairmen may perform maintenance tasks under the direct in-person supervision of such certificated personnel, in accordance with 14 CFR 43.3(d).

5.05 – Equipment

The Operator shall provide and maintain in serviceable condition the tools, equipment, materials, and current technical data necessary to perform the maintenance, preventive maintenance, repair, rebuilding, inspection, or alteration services it offers in a safe, efficient, and workmanlike manner. Such tools and equipment shall be appropriate to the scope of work performed and, where required by applicable law or manufacturer instructions, shall be properly calibrated, tested, and controlled. The Operator shall maintain adequate means to store, protect, and segregate articles, parts, and materials so that work is performed in accordance with applicable FAA requirements and approved or acceptable data.

5.06 – Hours of Activity

The Operator shall have its services available at least eight (8) hours per day, five (5) days per week. Hours of operation shall be posted.

5.07 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AIRCRAFT MAINTENANCE OPERATOR.

SECTION 6 – AVIONICS AND INSTRUMENT MAINTENANCE OPERATOR (SASO)

6.01 – Introduction

An Avionics and Instrument Maintenance Operator is an Entity providing FAA-certified repair and installation services for aircraft radios, avionics, instruments, propellers, and accessories.

6.02 – Leased Premises

The Operator shall lease or sublease an area adequate to provide hangar space for at least one (1) aircraft, shop space for required equipment, and additional space for office, restrooms, customer lounge, and telephone facilities.

6.03 – Licenses and Certification

The Operator shall maintain the FAA repair station certificates applicable to the operations contemplated. The avionics portion of the services offered must maintain current FAA-designated repair station qualifications.

6.04 – Employees

The Operator shall have in its employ, and on duty during operating hours, trained personnel currently certificated by the FAA as radio, instrument, or propeller repairmen in such numbers as required.

6.05 – Hours of Activity

The Operator shall have its services available at least eight (8) hours per day, five (5) days per week.

6.06 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AVIONICS AND INSTRUMENT MAINTENANCE OPERATOR.

SECTION 7 – AIRCRAFT RENTAL OR FLIGHT TRAINING OPERATOR (SASO)

7.01 – Introduction

An Aircraft Rental or Flight Training Operator is an Entity engaged in the rental of aircraft to the public or in providing flight instruction, including dual and solo flight operations and related ground school instruction.

7.02 – Leased Premises

The leased-premises and facility requirements of this Section shall be scaled to the nature and scale of the Operator's activity. An Operator that holds itself out to the public for aircraft rental or flight training on a regular and continuing basis, or that conducts flight training under 14 CFR Part 141 (a full-service flight training operation), shall lease or sublease hangar space adequate to store the aircraft used in its operations. An individual flight instructor who does not hold itself out on a regular and continuing basis and maintains no dedicated facility, such as an instructor who teaches in a student's aircraft or a rented aircraft, is not required to lease premises under this Section and may operate under a Flight Instruction Permit pursuant to Section 12.02, subject to a reasonable annual or gross-receipts fee established by the City. Basing an aircraft at the Airport does not, by itself, require an Operator to lease premises under this Section. If a full-service flight training operation elects to build a hangar, the minimum building shall be 1,000 square feet, with space for aircraft storage, office, classroom, briefing room, restrooms, and telephone facilities. Ground school and briefing/debriefing may be provided in leased hangars upon notice to the Airport Manager and compliance with applicable safety and fire regulations but may not be provided in public areas of the Airport. These Minimum Standards do not regulate ground school or briefing/debriefing conducted off Airport property.

7.03 – Licenses and Certification

The Operator shall have available, during its published business hours, at least one (1) flight instructor currently certificated by the FAA to provide the type of flight training offered. Flight training programs operating under 14 CFR Part 141 shall maintain all required FAA approvals.

7.04 – Employees

The Operator shall have available at least one (1) FAA-certificated flight instructor and, on call on a part-time basis, at least one (1) FAA-certificated ground instructor. The same person may serve both functions.

7.05 – Equipment

The Operator shall have available for use, either owned or under written lease, a sufficient number of properly certificated aircraft to handle the proposed scope of operations, but not less than one (1) properly certificated aircraft.

7.06 – Hours of Activity

The Operator shall have published hours of operation.

7.07 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AIRCRAFT RENTAL OR FLIGHT TRAINING OPERATOR.

SECTION 8 – AIRCRAFT SALES OPERATOR (SASO)

8.01 – Introduction

An Aircraft Sales Operator is an Entity engaged in the sale of new or used aircraft through franchise, dealership, distributorship, or otherwise, and providing such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.

8.02 – Leased Premises

The Operator shall lease or sublease an area adequate to provide hangar space for aircraft display and storage, and additional space for office, restrooms, customer lounge, and telephone facilities.

8.03 – Equipment

The Operator shall provide necessary arrangements for the repair and servicing of aircraft for the duration of any sales guarantee or warranty period, which may be provided through written agreement with an on-Airport maintenance operator. The Operator shall provide an adequate inventory, or availability within 24 hours, of spare parts for the type of aircraft for which sales privileges are granted.

8.04 – Hours of Activity

The Operator shall have its services available on a basis consistent with demand and any applicable franchise agreement.

8.05 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AIRCRAFT SALES OPERATOR.

SECTION 9 – AIRCRAFT STORAGE OPERATOR (SASO)

9.01 – Introduction

An Aircraft Storage Operator is an Entity that leases hangar or covered storage space from the City and makes such space available to third parties for aircraft storage on a commercial basis. An Aircraft Storage Operator does not provide maintenance, fueling, or other aeronautical services other than storage.

9.02 – Leased Premises

The Operator shall lease an area adequate to provide covered aircraft storage for the number and type of aircraft the Operator proposes to accommodate.

9.03 – Hours of Activity

The Operator's facilities shall be accessible to tenants during hours that meet the reasonable demands of the storage operation.

9.04 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AIRCRAFT STORAGE OPERATOR.

SECTION 10 – AIRCRAFT CHARTER OR MANAGEMENT OPERATOR (SASO)

10.01 – Introduction

An Aircraft Charter or Management Operator is an Entity providing air transportation of persons or property for hire on a charter, air taxi, or aircraft management basis, as defined and regulated by the FAA under 14 CFR Part 135.

10.02 – Leased Premises

The Operator shall lease or sublease an area adequate to provide hangar space for the aircraft used in its operations, and additional space for office, restrooms, customer lounge, and telephone facilities.

10.03 – Licenses and Certification

The Operator shall hold and maintain a current FAA Air Carrier Certificate (Part 135) or equivalent authorization for the operations conducted.

10.04 – Employees

The Operator shall have in its employ sufficient qualified operating crews and satisfactory ground personnel for checking in and ticketing passengers, handling luggage, and furnishing or arranging ground transportation.

10.05 – Equipment

The Operator shall have available for hire, either owned or under written lease, at least one (1) aircraft properly certificated and equipped for the proposed scope of operations.

10.06 – Hours of Activity

The Operator shall have published hours of activity.

10.07 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for AIRCRAFT CHARTER OR MANAGEMENT OPERATOR.

SECTION 11 – OTHER SPECIALIZED AERONAUTICAL SERVICE OPERATOR (SASO)

11.01 – Introduction

This Section applies to any Commercial Aeronautical Activity not specifically addressed in Sections 5 through 10, including but not limited to: nonstop sightseeing flights, crop dusting, seeding, or spraying, banner towing and aerial advertising, aerial photography or survey, power line or pipeline patrol, firefighting, and any other commercial aeronautical operations.

11.02 – Leased Premises

The Operator shall lease or sublease an area adequate for its proposed operations, including sufficient hangar space for the aircraft and support equipment to be used, and additional space for office, restrooms, and telephone facilities.

11.03 – Licenses and Certification

The Operator shall obtain and maintain all FAA certificates and ratings required for the type of operations conducted.

11.04 – Employees

The Operator shall have in its employ trained personnel in such numbers as required to meet the Minimum Standards in an efficient manner.

11.05 – Equipment

The Operator shall provide and have based on its Leased Premises, either owned or under written lease, not less than one (1) airworthy aircraft suitably equipped for the type of operations to be performed. In the case of aerial application or other commercial use of chemicals, the Operator shall provide a centrally drained, paved area for all aircraft loading, unloading, washing, and servicing, constructed and operated in compliance with all applicable environmental laws and regulations. The Operator shall provide for the safe storage and containment of all chemical materials.

11.06 – Hours of Activity

The Operator shall have its services available during hours that meet the reasonable demand of customers.

11.07 – Insurance

The Operator shall procure and maintain insurance in the types and minimum amounts specified in Attachment A for OTHER SPECIALIZED AERONAUTICAL SERVICE OPERATOR.

SECTION 12 – COMMERCIAL AERONAUTICAL SERVICE PROVIDER PERMITS

12.01 – Introduction

This Section allows limited Commercial Aeronautical Activities to be conducted under a Commercial Aeronautical Service Provider Permit by individuals who do not maintain a leasehold interest at the Airport. The Permit process is strictly limited by the terms of these Minimum Standards, shall be evaluated on an ongoing basis by the City in light of the City's airport development goals and the Grant Assurances, and may be terminated by the City if the City determines that the Permit process conflicts with the safe and efficient operation of the Airport, the Grant Assurances, or FAA guidance. Any termination of the Permit process under this Section, and any suspension or revocation of an individual Permit issued under this Section, shall be only for cause or upon a written determination by the City that the action is necessary to protect the safe and efficient operation of the Airport, to comply with the Grant Assurances, or to conform to FAA guidance.

12.02 – Flight Instruction Permits

A flight instructor may obtain a Permit to provide flight instruction at the Airport, subject to the following conditions: (a) the instructor must apply to the Airport Manager and provide proof of current FAA flight instructor certification and proof of insurance in the minimum amounts specified in Attachment A; (b) the instructor must pay a reasonable Permit fee established by the City; (c) the instructor shall report flight instruction activity conducted at the Airport to the Airport Manager in the form and at the intervals reasonably prescribed by the City; (d) ground school and briefing/debriefing may not be provided in public areas of the Airport and may be provided in leased hangars upon notice to the Airport Manager and compliance with applicable safety and fire regulations, and these Minimum Standards do not regulate ground school or briefing/debriefing conducted off Airport property; (e) each instructor holding a Permit shall, upon reasonable request, provide records sufficient to verify the flight instruction activity conducted at the Airport, which the instructor may satisfy by written self-certification; and (f) the Permit does not create any property right or other right in the Airport and is revocable by the City only as provided in Section 12.01.

12.03 – Aircraft Mechanic Permits

An aircraft mechanic may obtain a Permit to provide aircraft mechanic services at the Airport, subject to the following conditions: (a) the mechanic must apply to the Airport Manager and provide proof of current FAA certification appropriate to the proposed work and proof of insurance in the minimum amounts specified in Attachment A; (b) the mechanic must pay a reasonable Permit fee established by the City; (c) services under a Permit shall be performed only in areas designated by the Airport Manager as necessary for the safe and efficient operation of the Airport; (d) each mechanic holding a Permit must provide notice to the Airport Manager when beginning and completing work under the Permit; (e) The mechanic may not perform any Hazardous Operations as defined in the latest Pueblo City Council adopted International Building Code Section 412.3.6.1, for example, but not exclusively, hot work, doping, painting and fuel operations available at the Airport Administration Office 31021 Bryant Circle, Pueblo, Colorado 81001; and (f) the Permit does not create any property right or other right in the Airport and is revocable by the City only as provided in Section 12.01.

Notwithstanding subsection (c), where a Permit holder performs services on an aircraft that is based at the Airport and owned or operated by the lessee of the Leased Premises on which the work is performed, and the work is performed within that lessee's own Leased Premises, the Airport Manager shall not restrict the location of the work except to the extent necessary to address a written determination that a safety, security, environmental, or Grant Assurance

concern requires it. This subsection does not limit an aircraft owner's right to Self-Service under Sections 1.27 and 3.16, and does not relieve the Permit holder of the certification, insurance, and notice requirements of this Section.

12.04 – Ground Handling Services Permits

A commercial Entity may obtain a Permit to provide ground handling services at the Airport, including both above-wing passenger services and below-wing aircraft services, subject to the following conditions: (a) the Entity must apply to the Airport Manager, identifying the categories of services to be provided and providing proof of insurance in the minimum amounts specified in Attachment A; (b) the Entity must pay the required Permit fee as established by the City; (c) the Entity shall coordinate ramp operations with the FBO and any other ground handling provider servicing the same Aircraft and shall not interfere with the operations of other Airport tenants; (d) the Permit does not authorize aircraft fueling, deicing fluid application, or Aircraft maintenance, each of which requires a separate authorization; (e) failure to comply with the conditions of the Permit is cause for suspension or revocation; and (f) the Permit does not create any property right or other right in the Airport and is revocable by the City only as provided in Section 12.01.

12.05 – General Permit Conditions

Permits do not establish any right to provide aeronautical services through-the-fence. The City may terminate the Permit program at any time if the City determines that the program conflicts with the safe and efficient operation of the Airport, the Grant Assurances, or if the FAA advises the City that such a conflict exists.

ATTACHMENT A
SCHEDULE OF MINIMUM INSURANCE REQUIREMENTS

All limits are per occurrence unless otherwise stated. The City of Pueblo, its officers, employees, and agents shall be named as additional insured on all policies except workers' compensation.

A. FIXED BASE OPERATOR

Commercial General Liability: $1,000,000 CSL

Aircraft Liability (including passengers): $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000 per occurrence

Products and Completed Operations Liability: $1,000,000

Pollution/Environmental Liability: $1,000,000

Business Automobile Liability: $1,000,000 CSL

Workers' Compensation: Statutory

Property Insurance: 80% of full insurable value (buildings and contents)

B. AIRCRAFT MAINTENANCE OPERATOR

Commercial General Liability: $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Products and Completed Operations Liability: $1,000,000

Business Automobile Liability: $1,000,000 CSL

Workers' Compensation: Statutory

C. AVIONICS/INSTRUMENT MAINTENANCE OPERATOR

Commercial General Liability: $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Products and Completed Operations Liability: $1,000,000

Business Automobile Liability: $1,000,000 CSL

Workers' Compensation: Statutory

D. AIRCRAFT RENTAL OR FLIGHT TRAINING OPERATOR

Commercial General Liability: $1,000,000 CSL

Aircraft Liability (including passengers and students): $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Workers' Compensation: Statutory

E. AIRCRAFT SALES OPERATOR

Commercial General Liability: $1,000,000 CSL

Aircraft Liability: $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Products Liability: $1,000,000

F. AIRCRAFT STORAGE OPERATOR

Commercial General Liability: $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Property Insurance: 80% of full insurable value

G. AIRCRAFT CHARTER OR MANAGEMENT OPERATOR

Commercial General Liability: $1,000,000 CSL

Aircraft Liability (including passengers): $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Business Automobile Liability: $1,000,000 CSL

Workers' Compensation: Statutory

H. OTHER SPECIALIZED AERONAUTICAL SERVICE OPERATOR

Commercial General Liability: $1,000,000 CSL

Aircraft Liability: $1,000,000 CSL

Hangarkeeper's Liability: $1,000,000

Products Liability (if applicable): $1,000,000

Pollution/Environmental Liability (if applicable): $1,000,000

Workers' Compensation: Statutory

I. COMMERCIAL AERONAUTICAL SERVICE PROVIDER PERMIT HOLDERS

Aircraft Liability (including passengers/students): $1,000,000 CSL

Commercial General Liability: $1,000,000 CSL

J. FLYING CLUBS

Aircraft Liability (including passengers; club members must be named insured): $1,000,000 CSL

K. MOTOR VEHICLE OPERATIONS ON AIRPORT

Motor Vehicle Liability: $1,000,000 CSL

L. GROUND HANDLING SERVICES PERMIT HOLDERS

Commercial General Liability (with aviation hazards endorsement): $1,000,000 CSL

Business Automobile Liability: $1,000,000 CSL

Aircraft Ground Servicing Liability (damage to non-owned Aircraft during servicing): $1,000,000 per occurrence

Workers' Compensation: Statutory

ATTACHMENT B

COMMERCIAL AERONAUTICAL ACTIVITY APPLICATION

Applicants seeking to conduct Commercial Aeronautical Activities at Pueblo Memorial Airport shall complete this application and submit it to the Airport Manager. All fields must be completed. Incomplete applications will be returned.

1. Applicant name, address, telephone number, email:

_____

2. Legal form of organization (individual, partnership, LLC, corporation, etc.):

_____

3. If a business entity: names, addresses, and telephone numbers of all officers, directors, partners, members, or managers, and all persons holding an ownership interest of 10% or greater:

_____

4. Description of the proposed Commercial Aeronautical Activity (identify applicable Section of the Minimum Standards):

_____

5. Proposed commencement date and requested term:

_____

6. Description of the land, buildings, and Improvements proposed to be leased or constructed:

_____

7. Number and type of aircraft to be provided (if applicable):

_____

8. Number and qualifications of personnel to be employed:

_____

9. Proposed hours of operation:

_____

10. Types and amounts of insurance coverage to be maintained:

_____

11. Evidence of financial capability (attach cash flow and profit/loss projection for the first three years of proposed operation):

_____

12. Statement of prior experience in the management and operation of the proposed services:

13. If any person or entity with an ownership or management interest in the applicant has a direct or indirect interest in any other commercial operation at the Airport, provide complete information about the nature and extent of such interest:

14. Additional information (attach additional sheets as necessary):

I certify that the information provided in this application is true and correct to the best of my knowledge.

Signature of Applicant

Date

Printed Name and Title