

## Title 10: AIRPORT

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## **DIVISION I. GENERAL REGULATIONS**

### **10.04: DEFINITIONS**

#### **10.04.010: DEFINITIONS**

The following words and phrases, when used in this Chapter, shall have the meaning respectively ascribed to them below:

“Accident” means a collision between a Vehicle and/or Aircraft and a Vehicle and/or Aircraft, Person, stationary object or other thing which results in property damage, Personal injury, or death; or an entry into or emerging from a moving Vehicle by a Person which results in Personal injury or death to such Person or some other Person, or which results in property damage.

“Aircraft” means all devices capable of flight that are licensed or regulated by the FAA.

“Air Carrier” means a Commercial Aeronautical Operator holding an operating certificate under Federal Aviation Regulation Part 121 or Part 135 and operating under a published schedule, pursuant to a certificate of public necessity.

“Airline(s)” means any Air Carrier or Air Taxi/Charter operation, but does not include general aviation.

“Airport”, as referred to or used herein, means Aspen-Pitkin County (Sardy Field) Airport, Pitkin County, Colorado.

“Airport FAA Master Plan” means the master plan adopted by the County pursuant to federal regulations, procedures and guidance. “Airport Operations Area” means all space on the Airport where the general public users of the Airport are restricted by fence or posting, or such areas where Aircraft are Parked or operated, or where operations not open to the general public are conducted; and such term shall include, but is not limited to, the GA Aircraft Ramp, Taxiways, Runways, open unimproved land abutting the Taxiways and Runways, and areas abutting the terminal Building.

“Air Taxi/Charter” means an Air Carrier certificate holder licensed by the FAA to provide air transportation (Persons or property) to the public for hire, under Part 135 of the Federal Aviation Regulations, and on a scheduled, nonscheduled, or on-demand basis as defined in the Federal Aviation Act of 1958, or as said Act may be supplemented or amended from time to time. As required or permitted under the Minimum Standards in Division II of these regulations, these Part 135 operators may be divided into two classes:

1. Carriage in air commerce of Persons or property for compensation or hire in Aircraft having a maximum seating capacity of thirty (30) passenger seats or less or maximum payload of less than seven thousand five hundred (7,500) pounds, where such carriage does not require the issuance of a Certificate of Public Convenience and Necessity from the U.S. Department of Transportation; or

2. Carriage in air commerce of Persons or property in common carriage operations solely between points entirely within any state of the U.S., in Aircraft having a maximum seating configuration of thirty (30) passenger seats or less or a maximum payload capacity of seven thousand five hundred (7,500) pounds or less, and operating a frequency of no more than four round trips per week on at least one route between two or more points, according to published

schedule specifying time, days of week, and places, where such carriage does not require the issuance of a Certificate of Public Convenience and Necessity from the U.S. Department of Transportation.

“Authorized Emergency Vehicle” means Vehicles of the fire department, law enforcement department and such ambulances and other emergency Vehicles of municipal departments, government agencies, public service corporations, or private ambulance companies, or such others as are officially designated as such for use upon the Airport by written authorization of the Director of Aviation.

“Bicycle” means every device propelled by human power upon or which any Person may ride, having two tandem wheels either of which is over twenty (20) inches in diameter and including any device generally recognized as a Bicycle though equipped with two front or two rear wheels.

“Board of County Commissioners” or “BOCC” means the governing body of Pitkin County authorized by State law and County Charter to officially represent and legally bind the County.

“Building” means a roofed, enclosed, heated, insulated nontemporary structure with a foundation and utilities.

“Business” as used in these rules and regulations, means the sale, offering for sale, or the furnishing of any commodity, article, facility or service.

“Center Line” means the continuous or unbroken line marked upon the surface of a Roadway by paint or otherwise to indicate each portion of the Roadway allocated to Traffic proceeding in the two opposite directions, and if no line is painted or marked, it is the imaginary line in the Roadway equally distant between the opposite curbs or edges of the Roadway.

“Commercial Aeronautical Operator” means a Person or Business entity engaging in a Commercial Aeronautical Activity or Commercial Aeronautical Service as those terms are defined in Division II of this Title 10.

“Concession,” as used in these rules and regulations, means the sale, offering for sale, or the furnishing of any commodity, article, facility or service.

“Concourse” means any extension of the Airport’s terminal Building so arranged as to facilitate access to and from Aircraft.

“County” means the county of Pitkin, a body corporate and politic.

“Crosswalk” means that part of a Roadway at an Intersection included within the connections of the lateral lines of the Sidewalks on opposite sides of the Roadway, measured from the curbs, or in the absence of curbs, from the edges of the traversable Roadway at an Intersection or elsewhere, distinctly marked or indicated for Pedestrians crossing by lines or otherwise, or where angle crossing is permitted within the connections of the lateral Sidewalks on opposite sides of the Roadway, measured from the curbs, or in the absence of curbs, from the edges of the traversable Roadway.

“Director of Aviation” means the official representative of Pitkin County at the Airport with principal responsibility for the operation and management of the Airport.

“Driver” means every Person who drives, operates, or is in actual physical control of a Vehicle or Motor Vehicle.

“Facilities” is an inclusive phrase, including Buildings, Improvements and equipment and any Personal property not included in the definitions of Buildings, Improvements and equipment,

describing materials to provide services, or to support the provision of services to general aviation Aircraft and passengers and Commercial Aeronautical Operators.

“Federal Aviation Administration” or “FAA” means the Federal Aviation Administration established by the federal government under the Federal Aviation Act of 1958, as amended, or such other governmental agency which may be successor in function thereto or be vested with the same or similar authority.

“Federal Aviation Regulations” or “FAR” are the regulations promulgated by the FAA and appearing in the Code of Federal Regulations at Title 14.

“Fixed Base Operator” or “FBO,” as more fully defined in Division II, means a Commercial Aeronautical Operator that maintains Facilities at the Airport for the purpose of:

1. Engaging in the retail sale of aviation Fuels primarily to purchasers other than; (1) scheduled or supplemental Air Carriers; or (2) the Department of Defense; and
2. Performing the minimum aggregation and level of the following aeronautical activities and/or services: retail Fuel sales, Maintenance, servicing, Parking, tie-down, storage, as further defined below.

An operator that provides at least the minimum required aggregation and level of Facilities, activities and services, including the retail sale of aviation Fuel, is classified as a full-service FBO; an operator that provides less than the minimum required aggregation of Facilities, activities and services is classified as a Specialized Fixed Base Operator (S-FBO).

“Fuel” means all Fuels used in the propulsion of Aircraft.

“Fueling Operation(s)” means the receipt, storage, handling, movement, delivery and dispensing of Fuel for Aircraft at the Airport, including the installation, use and Maintenance of fueling equipment, and the operations and supervision of all Personnel engaged in fueling activities. All Fueling Operations at the Airport are either Retail Fuel Sales or Self-Fueling.

“Fueling Operations Permit” means a written document issued by the Airport pre-requisite to the conduct of Fueling Operations at the Airport; such permit incorporates these regulations, as amended, and may set other applicable terms and conditions.

“General Aviation Area (GA Area)” or “General Aviation End (GA end)” means the northern half of the Airport (approximately); that part of the Airport occupied and used primarily by Facilities for and operations of general aviation, especially FBOs and S-FBOs and their customers; the General Aviation Area is separated from the Air Carrier Area of the Airport by a double yellow dashed line separated by a solid red line at approximately A-5 on the Runway.

“GA Aircraft Circulation and Staging Areas” means the paved portion of the General Aviation Area ramp identified and used for the ground movement of Aircraft and temporary Parking for the purposes of loading, unloading, line service or movement to or from Aircraft Parking areas.

“GA Aircraft Parking Areas” means the paved portions of the GA Area ramp identified and used exclusively for the uncovered, nontemporary Parking of Aircraft.

“GA Aircraft Ramp” means the paved portion of the GA Area used primarily for the movement, staging and storage of Aircraft.

“Improvements” means the products of the expenditure of funds relating to real estate that are not Buildings or Facilities including, without limitation, utilities and paving.

“Intersection” means the area embraced within the prolongation or connections of the lateral curb lines or, if none, the lateral boundary lines of the Roadways of two or more Roadways which join one another.

“Law Enforcement Officer” means every officer of the sheriff’s department of Pitkin County or any other Person designated and authorized in writing by the Director of Aviation to direct or regulate Traffic, or make arrest, pursuant to the Director’s powers, upon the Airport.

“Limousine” shall apply to and include any Motor Vehicle with a maximum seating capacity of fourteen (14) seats plus the driver operating on a “call and demand” basis, transporting passengers at a per person rate, the use of said vehicle not being exclusive to any individual or group.

“Loading Zone Only” means an area reserved for the exclusive use of Vehicles while actually engaged in loading or unloading passengers or freight.

“Maintenance” means the inspection, overhaul, repair, preservation, and the replacement of parts, excluding Preventive Maintenance.

“Major Repair” means a repair that:

1. If improperly done, might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or
2. Is not done according to accepted practices or cannot be done by elementary operations.

“Maximum Allowable Gross Landing Weight” means the maximum permissible gross weight which an aircraft may lawfully have or be permitted to have at the time of landing as set forth in the FAA and/or manufacturer aircraft specifications and without giving consideration to local factors. The term does not refer to the actual weight of an aircraft.

“Minimum Standards” means the Minimum Standards and requirements for the conduct of Commercial aeronautical services and activities at the Airport, which were originally adopted by the BOCC on January 28, 1992, amended by the BOCC on August 24, 1993, amended by the BOCC on December 20, 2000, and further amended by the BOCC on \_\_\_\_\_, \_\_ 2005, set out in Division II. The Minimum Standards set forth the qualifications established by the County as the minimum requirements to be met as prerequisite conditions for the right to occupy real estate and to conduct a Commercial Aeronautical Activity on the Airport.

“Minor Repair” means a repair other than a Major Repair.

“MOGAS” means gasoline normally used in automobiles, but which is approved for use in certain Aircraft.

“Motor Vehicle” means every Vehicle which is self-propelled.

“Motorcycle” means every Motor Vehicle having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground, including a motor scooter, but excluding a farm tractor, or implement of husbandry.

“Nighttime Operations” means any landing or departure at the Airport during the period between one-half hour past sunset, local time, and 7:00 AM the following morning. The time that is one-half hour past sunset shall be defined on a schedule published by the Director of Aviation and available upon request.

“Nonsignatory” means an operator who does not hold a written lease, license, use agreement or operating permit from the County for the use of the public terminal Facilities; or whose lease, license, use agreement or operating permit is expired, terminated or in default.

“Park” or “Parking,” when prohibited, means the standing of a Vehicle, whether occupied or not, except when necessary to avoid conflict with other Traffic, or in compliance with the directions of a Law Enforcement Officer, County employee assigned to the Airport or Traffic Control Signal, sign or device.

“Pedestrian” means any Person afoot or in a wheel chair.

“Permittee” means a Person who has been issued and holds a valid, then-current Fueling Operations Permit.

“Person” means any natural person and any firm, association, joint-stock association, partnership, corporation, company, society or other organization, governmental entity or any other legal or Business entity. It includes a trustee, receiver, assignee, or similar representative of any such entity.

“Pilot” means every Person who operates, flies, or is in full control of an Aircraft.

“Pitkin County, Colorado” means a Colorado home-rule County; the owner, operator and FAA sponsor of the Airport.

“Public Airfield Facility(ies)” means (a) Runways; (b) Public Airfield Facilities Taxiways and turnoffs; (c) Public Airfield Facilities Ramp and apron areas; and (d) any extensions or additions to the above and any other space or Facilities provided by the County at the Airport for public and common use by Aircraft operators in connection with the landing and taking off of Aircraft, or in connection with operations hereinafter authorized to be performed by Aircraft operators upon the aforesaid Runways, Taxiways and public passenger Ramp and apron areas; but only as and to the extent that they are from time to time provided by the County at the Airport for public and common use by Aircraft operators.

“Public Airfield Facilities Ramp” means the paved area outside the areas leased to the Air Carriers and the FBO(s) that are not Runway, Taxiways or taxilanes.

“Public Airfield Facilities Taxiways” means the paved area outside the area leased to the FBO(s) identified and used exclusively for the movement of Aircraft to and from the Runway.

“Ramp” means the paved portion of the Airport, used primarily for general aviation, that is reserved exclusively for the storage and movement of Aircraft, including GA Parking Areas, GA Aircraft Circulation And Staging Areas, General Aviation Facilities Taxilanes, and allied servicing equipment.

“Retail Fuel Sales” means the conduct of Fueling Operations by a Person for money or other valuable consideration (present, past or future), including services of any kind whatsoever.

“Right-Of-Way” means the privilege of the immediate use of the Roadway.

“Roadway” means that portion of an area improved or designed, or ordinarily used for vehicular travel. In the event the Roadway includes two or more lanes, the term “Roadway,” as used herein, shall refer to any such Roadway separately, but not to all such Roadways collectively.

“Runway” means an improved surfaced area reserved exclusively for the landing and taking off of Aircraft.

“Scheduled Air Carrier” means an Air Carrier certified by the appropriate agency of the United States or state of Colorado to engage in interstate or intrastate transport of Persons, property or mail on a regularly scheduled basis.

“Secured Area” means the passenger boarding areas and the security identification display area, including the baggage handling areas, Airline offices, and commercial Aircraft operating apron.

“Self-Fueling” means the conduct of Fueling Operations by a Person who has been issued and holds a valid, then-current Fueling Operations Permit for that Person’s Own Aircraft, using that Person’s Own Equipment and by an individual Person or her, his or its Own Employees.

1. As used in the definition for “Self-Fueling, the term “Own Aircraft” means:

a. If an FAA Part 121 or Part 135 operator, Aircraft listed on that operator’s then-current Part 121 or Part 135 Certificate; and

b. For Part 121 or Part 135 operators and for all civil Aircraft, “Own Aircraft” shall be Aircraft used exclusively by a Person and titled and registered with the FAA in that Person’s own name or Aircraft used by that Person as lessee under a Bona Fide Lease or as lessee/lessor under a Bona Fide Management Contract.

2. As used in the definition for “Self-Fueling, the term “Bona Fide Lease” means:

a. The lease is in writing, is signed by all parties at interest, is for a term of at least six months and terminable earlier for cause only and is for adequate consideration;

b. The lease provides that the primary care, custody and control of the Aircraft is in the Person applying to conduct Fueling Operations and contains substantially all terms and conditions standard in the industry for that type of lease;

c. That Person obtains insurance to cover all of its interest and activities with respect to the Aircraft or is named as co-insured under the policy of the lessor; and

d. True and correct copies of the lease and a complying certificate of insurance are attached to the application for a Fueling Operations Permit and thereafter promptly updated by that Person as changes, if any, occur.

3. As used in the definition for “Self-Fueling, the term “Bona Fide Management Contract” means Aircraft managed by the Person applying to conduct Fueling Operations where the following requirements are met:

a. The management contract is in writing, is signed by all parties at interest, is for a term of at least six months and terminable earlier for cause only and is for adequate consideration;

b. The management contract provides that the primary care, custody and control of the Aircraft is in the Person applying to conduct Fueling Operations and contains substantially all terms and conditions standard in the industry for that type of contract;

c. The management contract provides that the Person applying to conduct Fueling Operations is responsible for all Maintenance, all Pilot service, and all scheduling of the Aircraft;

d. The management contract provides that the Aircraft is available for rental or sub-lease to the public under commercially-reasonable terms and conditions;

e. That Person obtains insurance to cover all of its interests and activities with respect to the Aircraft or is named as co-insured under the policy of the Aircraft owner; and

f. True and correct copies of the management contract and a complying certificate of insurance are attached to the application and thereafter promptly updated by the applicant after changes, if any, occur.

4. As used in the definition for “Self-Fueling,” the term “Own Equipment” means Facilities and equipment, as described herein, that is used exclusively by a Person and titled in the name of the Person applying to conduct Fueling Operations or is used by that Person subject to a Bona Fide Lease, purchase, financing, or use agreement with the following requirements:

a. The agreement is in writing, is signed by all parties at interest, is for a term of at least six months and terminable earlier for cause only and is for adequate consideration;

b. The agreement provides that the primary care, custody and control of the subject of the lease is in that Person and contains substantially all terms and conditions standard in the industry for that type of agreement;

c. That Person obtains insurance to cover all of its interests and activities with respect to the subject of the agreement or is named as co-insured under the policy of the equipment owner; and

d. True and correct copies of the agreement and a complying certificate of insurance are attached to the application and thereafter promptly updated by that Person after changes, if any, occur.

5. As used in the definition for “Self-Fueling, the term “Own Employees” means employees of the Person applying to conduct Fueling Operations for whom all state and federal employment taxes are paid by that Person.

“Semi-Trailer” means every Vehicle of the trailer type, so designed and used in conjunction with a Motor Vehicle that some part of its own weight and that of its load rests upon or is carried by another Vehicle.

“Sidewalk” means that portion of the area adjoining the Roadway, between the lateral lines of the Roadway and the adjacent Building or property lines intended for the use of Pedestrians.

“Signatory” means the holder of a written lease, license, use agreement or operating permit from the County for use of the public terminal Facilities; provided, that such lease, license, use agreement or operating permit shall be then valid and not in default. (*Res. 91-169 § 2; Res. 91-40 § 2; Res. 88-141 § 1; Res. 87-123 § 2; Res. 87-56 § 3*).

“Specialized Fixed-Base Operator” or “S-FBO,” as more fully defined in Division II, means a Commercial Aeronautical Operator that is permitted by the County to provide one or more aeronautical activities or services at or from the Airport, but fewer than the minimum aggregation of Facilities, activities and services required to be qualified as an FBO.

“Taxi” or “Taxicab” means any Motor Vehicle used to transport Persons or property for hire, having a seating capacity of not more than seven Persons, not including the Driver, holding a Certificate of Public Convenience and Necessity issued by the Colorado Public Utilities Commission for transportation of passengers and their baggage in taxicab service operating on a “call and demand” basis, the first passenger: (1) having exclusive use of the vehicle unless he/she agrees to “multiple loading”; and (2) having the ability to designate any destination, route, or stops desired on the route.

“Taxiway” means an improved surfaced area reserved exclusively for use by Aircraft to proceed to and from Ramp and Runway areas.

“Traffic” means Pedestrians, ridden or herded animals, Vehicles, Aircraft, and other conveyances, either singularly or together while using any Roadway, or other area for the purpose of travel.

“Traffic Control Device” means all signs, signals, markings, electronically controlled devices and signals and other devices not inconsistent with the rules and regulations, placed or erected by authority of the Director of Aviation, for the purpose of regulating Traffic, or warning or guiding Traffic.

“Traffic Control Signal” means any device, whether manually, electronically or mechanically operated, by which Traffic is alternately directed to stop and proceed, or which otherwise controls the flow and movement of Traffic.

“Truck” means any Motor Vehicle which is used and designed for the transportation or delivery of goods, and which is licensed as a Truck and bears such registration plates or is required by law to bear such registration plates.

“Truck-Tractor” means every Motor Vehicle designed to be used primarily for drawing other Vehicles and so constructed as to not carry a load other than a part of the weight of the Vehicle and load so drawn, but excluding an automobile wrecking Truck.

“Vehicle” means every device in, upon, or by which any Person or property is, or may be, transported or drawn upon a Roadway, regardless of the means of propulsion, except devices moved exclusively upon stationary rails or tracks.

## **10.08 AIRPORT REGULATIONS GENERALLY**

### SECTIONS:

10.08.010 AUTHORITY TO PROMULGATE RULES AND REGULATIONS

10.08.020 GENERAL RULES AND REGULATIONS

10.08.030 BUILDING RULES AND REGULATIONS

10.08.040 SANITATION

10.08.050 SAFETY

10.08.060 NOISE

10.08.070 AIRPORT OPERATIONS CERTIFICATION MANUAL AND EMERGENCY PROCEDURES PLAN.

### **10.08.010: AUTHORITY TO PROMULGATE RULES AND REGULATIONS**

- A. These rules and regulations shall supercede all previously existing rules and regulations for the Airport.
- B. The Board of County Commissioners reserves the right to make any additions, deletions or corrections to these rules and regulations which may be necessary for the safety of Aircraft operation on or of Personnel using the Airport.
- C. All leases and permits for use of the Airport are subordinate to and shall be governed by these rules and regulations, as amended from time to time.
- D. In any instance where these rules may be or become inconsistent with Federal Aviation Regulations, then these rules shall be void as to such conflict. No part of these rules and regulations shall be construed as license or authorization to deviate from Federal Aviation Regulations.
- E. These rules and regulations are promulgated under power granted by Title 41, Article 4, Section 106 of the Colorado Revised Statutes, which authorizes the Board of County Commissioners to “provide rules and regulations governing the use of such airport and facilities.”

#### 10.08.020: GENERAL RULES AND REGULATIONS

- A. All Persons using or entering the Airport shall be governed by the rules and regulations set forth herein. In addition, all Airport users are subject to the provisions of the Airport Security Plan published by the Director of Aviation, as amended from time to time.
- B. No Person shall solicit funds for any purpose on the Airport without written permission of the Director of Aviation, or his or her authorized representative.
- C. No Person shall use the Airport as a base or terminal for commercial aviation activities without first obtaining the written permission of the Board of County Commissioners.
- D. No Person shall conduct any Business or Concession upon the Airport or upon or in any of the Buildings, structures, land, Parking places, walkways, Roadways or other Facilities used or operated in connection with the Airport without first obtaining the written permission of the Board of County Commissioners.
- E. No Person shall distribute, display or post any commercial or noncommercial signs, circulars, handbills or advertisements on the Airport without written permission of the Director of Aviation, or his or her authorized representative.
- F. Any Person finding lost articles in public areas of the Airport shall immediately deposit them at the office of the Director of Aviation, or his or her authorized representative, or with a Law Enforcement Officer or Transportation Security Administration Employee on duty.
- G. No Person shall travel on the Airport other than on Roadways, Sidewalks or areas provided for that particular class of Traffic. No Person shall use the Roadways, Sidewalks or other areas in such a manner as to hinder or obstruct their proper use.
- H. No Person shall commit any disorderly, indecent or unlawful act or commit any nuisance on the Airport.
- I. No Person shall conduct or engage in gambling in any form on the Airport.
- J. No Person shall destroy, injure or disturb in any way, any Building, sign, marker or other structure, trees, flowers, lawns or other public property on the Airport.

K. No one except duly authorized Persons, Law Enforcement Officers, federal employees on official duty, County employees assigned to the Airport, and Air Carrier employees or members of the armed forces of the United States on official duty shall carry any firearms or explosives on the Airport without permission of the Director of Aviation, or his or her authorized representative, provided that air passengers and Aircraft pilots may carry unloaded cased guns as baggage.

L. No Person shall hunt, conduct target practice or discharge firearms on the Airport, except as authorized by the Director of Aviation and permitted by law for the purpose of trapping or taking animals presenting a risk to the safe movement of Aircraft.

M. Pitkin County assumes no responsibility or liability for loss, injury or damage to Persons or property on the Airport or using Airport Facilities by reason of fire, theft, vandalism, wind, flood, earthquake or collision damage, nor does it assume any liability by reason of injury to Persons or property while using the Facilities of same.

N. In the event of a labor dispute between any tenant or occupant of any part of the Airport and any of his, her or its employees who are organized in a collective bargaining unit, picketing by or on behalf of such employees shall not be conducted on any part of the Airport, except pursuant to the written permission of the Director of Aviation, or his or her authorized representative, and such permission, which may be revoked by the Director or representative at any time, will be granted only upon such conditions prescribed by him or her concerning the number and conduct of the pickets and the place or places where picketing may be conducted as shall in his or her opinion be necessary in order that the same will not result in threat of physical harm or economic loss or molestation or harassment of Persons other than such tenant or occupant, and his, her or its servants and employees, and that the same will not tend to induce violence, breach of the peace, or other unlawful conduct, or unduly obstruct the use of the premises by other tenants or occupants or by other Persons lawfully using the Airport.

O. All Persons entering upon the Airport shall use only authorized entrances thereto.

P. Except as noted in this division, particularly Sections of 10.12.030, 10.12.060 and 10.12.070, all Aircraft flight operations (Aircraft arrivals or departures), including general aviation, certificated Air Carriers and Air Taxis, shall take place at the Airport only during the authorized hours of operation of the Airport.

Q. The Director of Aviation shall make a daily airfield inspection, investigating those particular physical Facilities located upon the Airport operating area as required by the FAA. *(Ord. 94-27 § 1)*

R. Airport users must at all times and at all locations at the Airport, including on the airfield and in the General Aviation Area, comply with any directions from Law Enforcement Officers and County employees assigned to the Airport.

#### 10.08.030: BUILDING RULES AND REGULATIONS

A. Except as may otherwise be provided on written agreement, all tenants and lessees are responsible for the cleanliness of their areas and for the removal and proper disposal of all trash and debris.

B. No Person, tenant or lessee shall make any alterations of any nature whatsoever to any Building, Ramp, or other Airport space, nor erect any Building or other structure without prior written permission of the Director of Aviation or his or her authorized representative. In addition to receiving permission from the Director or representative, the Person, tenant or lessee shall be responsible for securing any and all necessary building permits from the County, submitting to any and all inspections by the County, and otherwise complying with all relevant provisions of the County Code. The Person, tenant or lessee shall provide the Director with the “as-built” or final plans showing how the alteration or erection of a Building or other structure was constructed.

C. Any damage to or malfunctioning of Buildings, structures, utilities or other Airport property shall be reported at once to the Director of Aviation, or his or her authorized representative.

D. It shall be the responsibility and duty of the Airlines and their personnel to close and keep closed gates and doors on the terminal building, Ramp and Concourse areas at all times except when necessary for the loading and unloading of Aircraft. Unauthorized Persons will not be permitted on the Ramp unless previously cleared by the Director of Aviation, or his or her authorized representative.

E. All animals on Airport property, both within and beyond the terminal building, are to be under the control of a responsible owner, possessor or keeper by leash, cage, lead rope or other constraining device. No Person shall allow an animal to roam at large on Airport property, to be out of control, to be vicious, or to be excessively noisy or otherwise unreasonably disruptive to the general public. The owner, possessor or keeper of any animal on Airport property is responsible for the behavior of the animal in their possession. A Law Enforcement Officer, the Director of Aviation, or a County employee assigned to the Airport is authorized, in addition to other penalties, to demand removal of the offending animal from the Airport of the offending animal.

F. No Person shall place any solid in, or pour any liquid other than water, down floor drains, manholes or other sewer connections.

G. No Persons other than authorized employees of the County or fire district shall at any time move any valve, switch, or other fixture of, or in any way tamper with, any sprinkler system or other fire control device installed in any Building.

H. All Air Carrier passengers departing the Airport may be subjected to security screening regardless of the size or capacity of the Aircraft which they are boarding. Security screening of Airline passengers shall be conducted by the Transportation Security Administration (TSA) of the Department of Homeland Security, pursuant to the TSA airport security rules, regulations and requirements as set forth in Parts 1542 of Title 49 of the Code of Federal Regulations, as amended, if amended.

Failure by any Air Carrier to participate as required by law or the Security Plan in the screening or securing of its departing passengers constitutes a violation of these Airport rules and regulations and is grounds for the imposition of a fine or penalty against the Air Carrier in an amount not less than to exceed the amount of fine assessed against the Airport operator by the FAA or TSA resulting from the security violation. *(Res. 87-109 § 1)*

I. No Person may enter a Secured Area at the Airport without authorized escort or without appropriate identification. This requirement shall be enforced as provided in Chapter 10.32,

except that (i) the penalty for violating this provision shall be \$100 for a first offense, \$200 for a second offense, and the maximum allowable by state law for any subsequent offense; and (ii) in addition or as an alternative to any other penalty, violations of this provision may result in removal from the Secured Area and criminal sanction.

#### 10.08.040: SANITATION

A. No Person shall dispose of garbage, papers, refuse, or other waste material on the Airport except in the receptacles provided for that purpose.

B. No trash or refuse will be burned on the Airport at any time, unless specifically authorized by the Director of Aviation or his or her authorized representative.

C. No Person shall use a comfort station in other than a clean and sanitary manner.

#### 10.08.050: SAFETY

A. No Person shall use flammable and/or volatile materials in the cleaning of Aircraft, Aircraft engines, propellers and appliances unless such cleaning operations are conducted in open areas as designated or in a room specifically set aside for the purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

B. No Person shall conduct any open flame operations in any hangar, or Building, or part thereof unless specifically authorized by the Director of Aviation or his or her authorized representative. Welding of Aircraft in the Aircraft repair areas of a hangar is permitted.

C. No Person shall store or stock material or equipment in such a manner as to constitute a fire hazard.

D. No Person shall keep or store any flammable liquids, gasses, signal flares or other similar material in hangars or any Building on the Airport; provided, that such materials may be kept in Aircraft in the proper receptacles installed in the Aircraft for such purpose or in rooms or areas specifically approved for such storage by the Director of Aviation or his or her authorized representative.

E. No Person shall keep or store lubricating oils in or about the hangars; provided, that such materials may be kept in the proper receptacles installed in Aircraft for such purposes or in containers provided with suitable draw-off devices as approved by the Director of Aviation or his or her authorized representative.

F. Lessees of hangars or hangar space shall provide suitable metal receptacles with covers for the storage of oil wastes, rags, and other rubbish. All such waste will be removed by regular County-approved disposal Vehicles.

G. No Person shall use volatile flammable substances for cleaning floors in the hangars or in other Buildings on the Airport.

H. All lessees on the Airport shall keep floors of hangars, apron pits, and areas adjacent thereto, leased by them respectively, free and clear of oil, grease, and other flammable materials.

I. Doping and painting processes shall be conducted only in properly designated, fireproofed and ventilated rooms or Buildings in which all illumination, wiring, heating, ventilating equipment, switches, outlets and fixtures shall be spark-proof and vapor-proof; and all windows and doors shall open easily, preferably outward.

J. All Persons shall comply with any applicable local, state and federal laws regarding the management, handling and disposal of hazardous materials, including petroleum products.

K. All Persons on or at the Airport must employ best environmental management practices at the Airport, which shall include policies and practices that apply the most current and advanced means and technologies available to undertake and maintain a superior level of environmental performance reasonable in light of the circumstances.

#### 10.08.060: NOISE

A. Where practical and consistent with consideration of safety and efficiency, the Board of County Commissioners requests that the Federal Aviation Administration plan and implement flight patterns to further the quiet and nondisturbing operation of Aircraft.

B. No Aircraft shall land at or take off at any time from the Airport which is not in full compliance with Federal Air Regulation, Parts 36 and 91, and all appendices thereto, as now in effect or as hereinafter from time to time amended.

C. All Aircraft operators are encouraged to reduce the standing or idling time of Aircraft to the greatest extent practicable in order to reduce noise and air pollution.

#### 10.08.070: AIRPORT OPERATIONS CERTIFICATION MANUAL AND EMERGENCY PROCEDURES PLAN

A. The provisions of any Airport Certification Manual for the Airport as in effect and/or Airport Emergency Plan shall by reference be supplemental to and a part of these rules and regulations.

B. In the event of an Aircraft Accident or incident, prior to removal of the disabled Aircraft, the N.T.S.B. (National Transportation Safety Board) or the FAA must be notified.

C. The Pilot or the operator of an Aircraft involved in any Accident or incident on the Airport shall be responsible for the prompt removal of the disabled Aircraft and parts of such Aircraft as directed by the Director of Aviation; in the event of his failure to comply with such directions or inability to do so, such wrecked or disabled Aircraft and parts may be removed by the Director of Aviation at the owner's or operator's expense and without liability for damage which may result in the course of such removal.

D. Witnesses, when requested, and participants in Aircraft Accidents or incidents occurring on the Airport shall make a full report thereof to the Director of Aviation, or his or her authorized representative.

E. In the event of an Aircraft Accident or incident which causes the Airport to be closed, the Director of Aviation shall have the authority to utilize any resources or manpower that may be available to the Airport, to remove the Aircraft, with any expense utilizing the same passed on directly to the operator or owner of the Aircraft involved in the Accident or incident.

F. The Director of Aviation shall have the authority to close the Airport in the event of an Aircraft incident or Accident, if in his or her opinion further Aircraft operations may hamper the removal of the disabled Aircraft or may be hazardous to the personnel or property involved in the removal operation.

## **10.12: OPERATING RESTRICTIONS**

Sections:

10.12.010 COMPLIANCE WITH FAA REGULATIONS REQUIRED.

10.12.020 AIRPORT MANAGEMENT AUTHORITY.

10.12.030 AIRCRAFT AND AIRCRAFT EQUIPMENT.

10.12.040 TAKEOFFS, LANDINGS AND LOW PASSES.

10.12.050 HOURS OF OPERATION.

10.12.060 NIGHTTIME OPERATIONS.

10.12.070 EMERGENCIES

### 10.12.010: COMPLIANCE WITH FAA REGULATIONS REQUIRED

A. It shall be the responsibility of all Persons, firms and corporations operating on the Airport to acquaint themselves, their Pilots, instructors and students with Federal Aviation Regulations and all Airport rules and regulations contained herein.

B. No Person shall operate any Aircraft to, from or on the Airport, or service, repair or maintain any Aircraft on the Airport, or conduct any Aircraft operation on or from the Airport, except in conformity with the current Federal Aviation Regulations.

C. All Aircraft will be flown in accordance with the Traffic patterns established by the FAA.

### 10.12.020: AIRPORT MANAGEMENT AUTHORITY

A. The Director of Aviation may suspend or restrict any or all Aircraft operations on the Airport whenever such action is deemed necessary in the interest of safety or necessary to serve the civil aviation needs of the public.

B. When practical and consistent with considerations of safety and efficiency, the County shall from time to time consult with the FAA and shall make recommendations to the FAA regarding the implementation of standardized noise reduction traffic patterns, to the end that such patterns minimize the noise disruptions to surrounding lands from day to day Airport operations. (*Ord. 89-3 § 2*)

C. The Director of Aviation may suspend or restrict, on a permanent or temporary basis, touch-and-go and similar flight training activities where determined necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

#### 10.12.030: AIRCRAFT AND AIRCRAFT EQUIPMENT

A. No Person shall operate any Aircraft to, from, or on the Airport which is not equipped with brakes or other positive means to assure adequate ground control.

B. No Person shall operate any Aircraft to, from, or on the Airport which is not equipped with an operable two-way radio capable of communicating with the Airport control tower on such frequencies as may now be in use or hereafter established for such Aircraft.

C. No Person shall operate any Aircraft to, from, or on the Airport which has a tip-to-tip wingspan of greater than 95 feet.

D. No Person shall operate any Aircraft to, from, or on the Airport having a Maximum Allowable Gross Take-off Weight in excess of one hundred thousand (100,000) pounds dual-wheel or one hundred sixty-thousand (160,000) pounds dual tandem wheel.

E. No Person shall operate any Aircraft to, from, or on the Airport that is Stage 1, pursuant to the noise rating standards of FAR Part 36. (Ord. 89-3 § 2 )

F. No Person shall conduct any Nighttime Operations in an Aircraft that is certificated as Stage 2, pursuant to the noise rating standards of FAR Part 36.

G. No Person shall arrive at the Airport in an Aircraft that is certificated as Stage 3, pursuant to the noise rating standards of FAR Part 36, between 2300 hours (eleven P.M.) local time and 0700 hours (seven A.M.) local time; and no Person shall depart from the Airport in an Aircraft that is certificated as Stage 3 between 2230 hours (ten thirty P.M.) local time and 0700 hours (seven A.M.) local time. This restriction is more fully detailed in Section 10.12.060.

H. The following limited exceptions to these restrictions shall apply:

1. The Director of Aviation is authorized to grant permission to land at and take off from the Airport for an Aircraft that does not meet the weight limits contained in subsection D of this Section 10.12.030 upon submission of evidence satisfactory to the Director that the actual weight of the Aircraft is below the prescribed weight limits and the Aircraft satisfies the other restrictions contained in this Section 10.12.030.

2. The Director of Aviation is authorized to grant permission to land at and take off from the Airport for an Aircraft that does not meet the requirements contained in subsection E of this Section 10.12.030 prohibiting the operation of Stage 1 Aircraft or that does not meet the requirements contained in subsection F of this Section 10.12.030 prohibiting Nighttime Operations by Stage 2 Aircraft upon submission of evidence satisfactory to the Director that (i) the Aircraft is owned or operated by a federal, state or local government agency and is being used for a temporary, government purpose; or (ii) the Aircraft is being used for a temporary, medical purpose, including but not limited to Flight-for-Life or MEDEVAC. In no event shall the Director authorize the use of the Airport as a base of operation for an Aircraft that does not conform to subsection E of this Section 10.12.030. Aircraft operations authorized by the Director pursuant to this exception shall conform to the Airport hours of operation.

3. The Director of Aviation is authorized to waive compliance with any of the restrictions contained in this Section 10.12.030 for the landing and take off of Aircraft where the operation is pursuant to a bona fide emergency declared by the pilot in command of the Aircraft, and communicated to the FAA in accordance with applicable regulations or procedures.

4. The Director of Aviation may waive compliance with any of the restrictions contained in this Section 10.12.030 for the landing and take off of Aircraft upon submission of evidence satisfactory to the Director that the operation is necessary to further an immediate and temporary public purpose, that the Aircraft owner or operator has taken or will take measures reasonably necessary to ensure that such operation is conducted safely, and that the control tower has been or will be notified of the operation.

5. The Director of Aviation is authorized to waive compliance with any of the restrictions contained in this Section 10.12.030 for the landing and take off of Aircraft upon submission of evidence satisfactory to the Director that the operation is attendant to a special and temporary event that is in the public interest, including but not limited to a visit by a government official, an air show, response to a natural disaster and similar and related events.

#### 10.12.040: LANDINGS, TAKEOFFS, AND LOW PASSES

A. There is established at the Airport a preferential Runway system for the taking off of all Aircraft. Subject to Runway closures, weather conditions, and emergencies, Aircraft shall take off to the northwest on Runway 33. Departures from Runway 15 are permitted only with written authorization of the Director of Aviation, and must be consistent with the Director of Aviation's criteria for approval of take-off on Runway 15 as published by the Director.

B. The take-off of an Aircraft shall begin at any point on the Runway as instructed by the control tower.

C. There is established at the Airport a preferential Runway system for the landing of all Aircraft. Subject to Runway closures, weather conditions, and emergencies, Aircraft shall land on Runway 15.

D. Landing Aircraft shall clear the Runway as soon as practical after landing, consistent with safe operating procedures.

E. No landing or takeoff shall be made except as authorized by the control tower. When the tower is closed, Aircraft must make announcements in the manner prescribed by the FAA for Aircraft operations at an uncontrolled airport. This requirement is not intended to permit Aircraft operations when the Airport is closed, except as may be authorized in accordance with Sections 10.12.030, 10.12.060 or 10.12.070.

F. Aircraft making a "low pass" by the control tower for visual inspection shall be directed by the control tower consistent with keeping Aircraft away from populated areas.

G. No Aircraft, except helicopters which shall land on helipads, or as otherwise instructed by the control tower, shall take off or land on Taxiways or any paved or unpaved area other than designated Runways except by specific authority of the control tower in an emergency.

H. No Aircraft shall be taxied, takeoff begun, or landing be made, without information or clearance from the control tower, except in case of emergency. The foregoing may be modified for authorized Aircraft operations upon the Aircraft when the control tower shall be closed.

#### 10.12.050: HOURS OF OPERATION

The hours of operation at the Airport shall be that period beginning at 0700 hours (seven A.M.), local time each morning until 2300 hours (eleven P.M.), local time each evening, as limited pursuant to Sections 10.12.030 and 10.12.060, and except that the Airport shall be closed at all other times for all Aircraft departures, except as expressly provided herein. (Ord. 94-27 § 2 (part); Ord. 90-12 § 2; Ord. 89-3 § 2 (part))

#### 10.12.060: NIGHTTIME OPERATIONS

The following shall apply to all Nighttime Operations at the Airport.

A. Nighttime Operations by Scheduled FAR Part 121/135 Commercial Airlines. All scheduled FAR Part 121/135 commercial airlines shall be subject to the following limitations:

1. All Aircraft certified under FAR Part 25 and all turbo jet Aircraft engaging in such Nighttime Operations shall be required to comply with or be exempt from FAR Part 36, Stage 3 noise regulations. Aircraft designated by a Stage 2 noise rating shall be prohibited from engaging in Nighttime Operations unless otherwise provided by these regulations.

2. All such commercial operations shall have arrived at the Airport (landed on the ground) prior to 2300 hours, local time. It is the responsibility of the Pilot and the operator of each Aircraft, jointly and severally, to have departed from its final point of departure prior to arrival at the Airport at such a time to allow for arrival at the Airport within this time limitation taking into account all factors, including, without limitation, the following:

- a. Foreseeable gate delays;
  - b. Foreseeable air traffic control (ATC) delays;
  - c. Foreseeable weather conditions at point of departure, en route to the Airport and at the Airport;
  - d. Individual Aircraft performance capabilities.
  - e. Information contained in all applicable NOTAMS;
3. If such a flight operation is expected to arrive at the Airport at any time after 2300 hours local time, that Air Carrier shall immediately report that flight prior to arrival to the Director of Aviation, or to the Director's designee.

4. For all actual late arrivals and departures, (landed or departed after Airport closure, whether or not they were required to be reported pursuant to subdivision (3) of this subsection) the Air Carrier must file a full written report (signed and certified as accurate by an authorized official or employee of the carrier) on that flight operation with the Director of Aviation on the day following the late arrival, which report must include the following:

- a. Certified scheduled departure time and actual gate departure time;
- b. Copy of original flight plan of the non-stop to Aspen flight leg;
- c. Stated reason for the late departure and/or late arrival;
- d. Weather report at point of departure, en route and at the Airport at the time of gate departure;
- e. Number of passengers on board the Aircraft;

- f. Time of arrival at the Airport; and
- g. Time of any departure, pursuant to subdivision (5) of this subsection, and number of passengers on departing Aircraft.

5. In the event of any operation conducted after closing as defined herein, Pitkin County reserves all rights to enforce against Pilots and operators, jointly and severally, all penalties prescribed in Chapter 10.32. However, the County, including the County court will consider mitigating factors including, without limitation, the following:

- a. Facts indicating compliance with subsection (A)(2)(a) through (e) and (A)(4)(a) through (g) of this section;
- b. Facts or circumstances causing the delay beyond the control or reasonable foreseeability of the Pilot and/or operator;
- c. The extent of the closure violation;
- d. A number and/or pattern of closure violations indicating a lack of an intent to evade the closure regulations.

6. Any non-stop flight operation between Denver and the Airport that arrives at the Airport under the provisions of subsection (A)(3) of this section, may depart from the Airport and return to Denver, if the turnaround departure is prompt and is necessary for the operational plan of the Air Carrier without incurring any further violation of this provision.

7. All scheduled FAR Part 121/135 commercial airlines departures from the Airport, except as expressly provided in subsection (A)(6) of this section, shall depart prior to 2230 hours, local time.

B. All Nighttime Operations at the Airport, other than those commercial operations covered by the provisions of subsection (A) of this section, shall be subject to the following:

1. All Aircraft certified under FAR Part 25 and all turbo jet Aircraft engaging in nighttime operations at the Airport shall be required to be in compliance with, or exempt from, FAR Part 36, Stage 3 regulations. Aircraft designated by a Stage 2 noise rating shall be prohibited from engaging in Nighttime Operations unless otherwise provided by these regulations.

2. All Aircraft engaging in Nighttime Operations at the Airport shall comply with all relevant Federal Aviation Regulations and any special operating restrictions established by Section 517 of the Federal Aviation Administration Authorization Act of 1994 (Public Law 103-305) regarding Nighttime Operations at the Airport.

#### 10.12.070: EMERGENCIES

The Director of Aviation is authorized to waive compliance with requirements of this Section 10.12 in a bona fide emergency.

### **10.14: AIRCRAFT OPERATIONS**

Sections:

10.14.010 PILOT CERTIFICATE REQUIRED—EXCEPTION

10.14.020 WARM-UPS AND FINAL CHECKS OF AIRCRAFT

- 10.14.030 TAXIING
- 10.14.40 STARTING OF AIRCRAFT—REQUIREMENTS
- 10.14.60 PARKING GENERALLY
- 10.14.070 DAMAGE TO FACILITIES
- 10.14.080 REPAIRS AND SERVICES TO AIRCRAFT
- 10.14.090 PASSENGER LOADING AND UNLOADING
- 10.14.100 PERFORMANCE TESTS ON EXPERIMENTAL AIRCRAFT

10.14.010: PILOT CERTIFICATE REQUIRED—EXCEPTION

No Person shall operate, or permit to be operated, any civil Aircraft on the Airport unless the operator or Pilot thereof shall possess a current valid private, special purpose, commercial, or airline transport Pilot certificate or flight instructor certificate, issued by the FAA; provided that this section shall not apply to the ground operation of Aircraft by Airline maintenance personnel or student Pilots operating upon instructions from a certified flight instructor.

10.14.020: WARM-UPS AND FINAL CHECKS OF AIRCRAFT

Warm-ups and final checks prior to take-offs shall be performed on Taxiway warm-up areas only and shall not be performed on with Aircraft remaining clear of the Runways at all times.

10.14.030: TAXIING

A. All Aircraft shall be taxied at all times at a slow and reasonable speed and in a safe manner and under control of the Pilot thereof. Pilots shall taxi at their own discretion in accordance with these rules in areas not visible from the control tower.

B. No Aircraft shall be taxied into or out of any hangar.

C. Taxiing of all Aircraft shall be confined and limited to hard-surfaced Runways, Taxiways and aprons.

D. Aircraft will lower flaps when taxiing into and out of gate parking positions on the terminal building Ramp.

10.14.040: STARTING OF AIRCRAFT—REQUIREMENTS

A. No Aircraft engine will be started without adequate fire extinguishers of approved type being immediately available and in or near the Aircraft when engines are being started.

B. No Aircraft engine shall be started or operated unless a competent operator is in the Aircraft attending the controls and the parking brakes are set or wheels are properly blocked.

C. No Aircraft engine shall be started or run in any hangar, or when Aircraft is tailed toward hangar doors, or when positioned so as to endanger Persons or damage any Building or property.

#### 10.14.050: PARKING GENERALLY

A. No Person shall park any Aircraft in any area not designated for such purpose by the Director of Aviation, or his or her authorized representative.

B. Parked Aircraft shall have parking brakes set, or wheels properly blocked and shall be firmly secured to the ground by ropes or other appropriate means when left unattended.

C. No Person shall park any Aircraft on any of the public, nonexclusive areas (not designated for that purpose) of the Airport without the prior written consent of the Director of Aviation, or his or her authorized representative.

#### 10.14.060: DAMAGE TO FACILITIES

Damage to field lighting equipment or other equipment or on Facilities of the Airport shall be paid for by the operator, Pilot or other Person, firm or corporation responsible therefor.

#### 10.14.070: REPAIRS AND SERVICES TO AIRCRAFT

All repairs to Aircraft shall be made in areas designated by the Director of Aviation or his or her authorized representative. No services will be permitted to Aircraft occupying loading and unloading positions on a Ramp adjacent to the air terminal except those services incidental to the preparation of the Aircraft for immediate departure, such services to include, among other things, Fueling, inspection, interior cleaning, any nonroutine Maintenance involving Minor Repairs and the replacement or adjustment of equipment of an emergency nature or in order to insure the safe departure of the Aircraft. Any Person performing such services shall leave the Ramp area used therefore in a neat, clean, safe and orderly condition upon completion of such services.

#### 10.14.090: PASSENGER LOADING AND UNLOADING

No passenger shall be loaded on or unloaded from any Aircraft, except helicopters, until the engine or engines have come to a complete stop.

#### 10.14.100: PERFORMANCE TESTS ON EXPERIMENTAL AIRCRAFT

Performance tests on experimental Aircraft conducted from or on the Airport shall be conducted only with the written permission of the Director of Aviation, or his or her authorized representative.

### **10.16: FEES, RATES AND CHARGES AT THE AIRPORT**

Sections:

- 10.16.010 GENERAL AUTHORITY
- 10.16.020 USE OF THE PUBLIC AIRFIELD FACILITIES, INCLUDING LANDING FEES
- 10.16.030 FUELING OPERATIONS PERMIT FEES
- 10.16.040 FLOWAGE FEES
- 10.16.050 RENT
- 10.16.060 PAYMENTS
- 10.16.070 GROUND TRANSPORTATION
- 10.16.080 BUSINESSES IN TERMINAL BUILDING—CHARGE FOR OCCUPYING SPACE.
- 10.16.090 PASSENGER FACILITY CHARGES

10.16.010: GENERAL AUTHORITY

A. As authorized by the 2004 Colorado Revised Statutes Sections 41-4-101 et seq., 30-11-107; 30-15-401; 30-35-201 and 30-35-202, the County has the authority to set, charge, collect and enforce fair and reasonable rents, fees and charges for the occupancy and use of the Airport. (Ord. \_\_\_-2004 (12-01-04).

B. The Board of County Commissioners reserves the right to amend the Airport rates and charges as necessary and appropriate, including, but not limited to, imposing fees and charges upon Aircraft engaged in general aviation activities at or upon the Airport.

C. All Persons obligated to pay rates and charges to the County for use of the Airport shall be responsible for paying the then-current rates and charges, except as may expressly be provided in a lease, license or permit executed by the County.

10-16-020: USE OF THE PUBLIC AIRFIELD FACILITIES, INCLUDING LANDING FEES

A. The rates and charges for the use of the Public Airfield Facilities, including landing fees imposed on Air Carriers serving the Airport and operators authorized to use the Airport, shall be as enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion. (Ord. \_\_\_-2004 (12-01-04).

B. It shall be the responsibility of the Director of Aviation or his or her authorized representative to collect any such landing fee unless it is known to or can be demonstrated to the official collecting the fee that other written contractual arrangements have been made with the County.

C. Any fees collected under this section of these rules and regulations shall be promptly remitted by the official collecting the same to the County's finance office with backup accounting therefore.

D. The County shall provide the Air Carriers with thirty (30) days' advance written notice of any change in landing fee amounts.

E. No landing fee will be levied or assessed in the event an Aircraft departs from the Airport for another destination, which Aircraft, without making a stop at another airport, is forced to abort its flight and to return to and land at the Airport because of meteorological conditions, mechanical or operating causes or for any similar emergency or precautionary reason.

#### 10.16.030: FUELING OPERATIONS PERMIT FEES

A. All Fueling Operations Permittees shall pay the County, via the Director of Aviation, a fee upon application for a Fueling Operations Permit, and upon any subsequent renewal of that Permit, which fees are enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion.

B. If the Fueling Operations Permit is denied, the fee is nonrefundable, to compensate the County for the cost of processing the application.

C. If the Fueling Operations Permit is granted, the fee shall be a Permit fee for twelve (12) months.

#### 10.16.040: FLOWAGE FEES

A. There is imposed on, and shall be paid by, Air Carriers serving the Airport and operators authorized to use the Airport, fuel flowage fees for fueling operations pursuant to a Fueling Operations Permit, which fees are enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion.

B. The fuel flowage fees shall be payable monthly on the tenth day of each month after any fueling operations during the term of the Permit.

C. If payment in full of any fees hereunder is not received by the tenth of the month, such payment will be considered in arrears and will be assessed a late charge for each month or part of a month unpaid. (Ord. 93-14 § 1 (part))

#### 10.16.050: RENT

A. The Air Carriers shall pay an annual rent in equal monthly installments for rental of space assigned to that Air Carrier by the Director of Aviation, which rental fees are enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion.

B. No rental fees shall be made for remote passenger boarding space. However, the County reserves the right to, at any time, establish a reasonable per-use charge for such space if the space is being regularly and frequently used by any Air Carrier.

C. The rental fees shall be paid on the first day of each and every month. All late payments shall bear interest at the rate of twenty-four (24) percent per annum and interest shall be due and payable without demand.

#### 10.16.060: PAYMENTS

A. Rental fees shall be paid as set forth in Section 10.16.050 (C).

B. Air Carriers and Airport users shall also submit additional payments to the County concurrently with their submission of monthly reports (as described in Section 10.20.100) as follows:

1. Any charges for the use of the Public Airfield Facilities for the preceding month, as enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion; and

2. Any other charges for services as negotiated by the County and the Air Carriers for the use of space, services or for other purposes including, but not by way of limitation, all police security charges provided by Pitkin County, as required by the Federal Aviation Administration, or as may be specifically requested.

#### 10.16.070: GROUND TRANSPORTATION

There is imposed on, and shall be paid by, all commercial ground transportation operators, fees for entry and use of the Airport Facilities, which fees are enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion. (Ord. 96-94).

#### 10.16.080: BUSINESSES IN TERMINAL BUILDING—CHARGE FOR OCCUPYING SPACE

There is imposed on, and shall be paid by, all Persons occupying space in the terminal Building at the Airport exclusively for their own Business purposes (except Aircraft operations coming within the provisions of Article 30) and not having other contractual arrangements with the County, a rate or charge per square foot of such space, which rate or charge is enumerated in the document entitled "Airport Fees And Charges" as published by the Director of Aviation, and as the same shall be modified from time to time by the Board of County Commissioners within its sole discretion.

#### 10.16.090: PASSENGER FACILITY CHARGES

Pursuant to 49 U.S.C. § 40117, as it may be amended, and upon FAA approval, the County may collect passenger facility charges for every enplaned passenger at the Airport, which fees may be used by the County to fund certain eligible projects. The Airlines shall cooperate in the collection of Passenger Facility Charges in the manner provided by Federal Aviation Regulation Part 158, as amended, if amended.

## **10.20: AIRCRAFT FUELING REGULATIONS**

Sections:

- 10.20.010 PURPOSE
- 10.20.020 FUELING OPERATIONS PERMIT
- 10.20.030 DOCUMENTS IN SUPPORT OF A FUELING OPERATION PERMIT.
- 10.20.040 PERMIT APPLICATION AND ISSUANCE
- 10.20.050 COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS
- 10.20.060 REQUIREMENTS OF AND RESTRICTIONS ON FUELING OPERATIONS
- 10.20.070 FUELING FACILITIES AND EQUIPMENT
- 10.20.080 FUEL SPILLS
- 10.20.090 INSURANCE
- 10.20.100 RECORDS AND MONTHLY REPORTS
- 10.20.110 PERMIT RENEWAL
- 10.20.120 PERMIT SUSPENSION
- 10.20.130 PERMIT REVOCATION
- 10.20.140 EFFECT OF SUSPENSION/REVOCATION

10.20.010: PURPOSE

The purpose of these regulations is to establish and support a system at the Airport for the safe, efficient, professionally-managed and environmentally-responsible storage, handling and dispensing of Fuel to Aircraft.

Recognizing the County's obligation to provide Aircraft owners and operators with the opportunity to Fuel their own Aircraft, these regulations also provide for Self-Fueling. (Ord. 93-14 § 1 (part)).

For purposes of this Chapter 10.20, references to "Fueling Operations", "Fueling Operations Permit" or "Permitte" shall apply to both Retail Fuel Sales and Self-Fueling, unless a contrary meaning is plainly indicated.

#### 10.20.020: FUELING OPERATIONS PERMIT

A. Prior to, and as a pre-requisite to, the conduct of any Fueling Operations, a Person must possess a Fueling Operations Permit issued by the Director of Aviation, which permit may be either a Retail Fuel Sales permit or a Self-Fueling permit, and conform to all procedures outlined herein and therein.

B. A Retail Fuel Sales permit may be included in a written lease between the County and an FBO or S-FBO and shall be subject to the applicable provisions of that lease, the Minimum Standards and this division. (Ord. 93-14 § 1 (part)). For purposes of this Chapter 10.20, conditions on Fueling Operations imposed on "Permittees" shall apply equally to any FBO or S-FBO conducting Retail Fuel Sales pursuant to a lease with the County.

#### 10.20.030: DOCUMENTS IN SUPPORT OF A FUELING OPERATIONS PERMIT

A. The Director of Aviation reserves the right to publish and amend, from time to time, all forms and documents referred to in these regulations or reasonably necessary to accomplish the purpose of these regulations including, without limitation, permit application form; permit form; permit denial form; mobile Fuel dispenser checklist; flowage fee reports; Fuel handler's examination and study guide; Fuel spill report form; and notice of permit suspension form.

B. Such forms and documents shall be created or amended by an internal County rule-making process that includes notice to affected parties, an opportunity to be heard (or for written comments) and an appeal or objection process. (Ord. 93-14 § 1 (part))

#### 10.20.040: PERMIT APPLICATION AND ISSUANCE

A. An applicant for a Fueling Operations Permit shall file with the Director of Aviation an application on a form provided for that purpose which must be signed by the applicant. The burden shall be on the applicant to provide the County with a true and complete application and to promptly update the application information as necessary during the term of a permit or renewal thereof. Information provided in the application will be maintained as confidential, if so requested by the applicant, to the extent permitted by law. Such application form shall include, without limitation, the following:

1. The name, address and twenty-four (24) hour telephone numbers of the primary (and, if available, secondary) contact Person of the applicant;

2. The requested date for commencement of the Fueling Operations and the requested term of conducting the same, provided that the term of any Self-Fueling Permit shall be no longer than 12 months;

3. A map to scale of the location of property requested or desired to be occupied or used;

4. An identification of any necessary or desirable capital improvements to be constructed in conjunction with the Fueling Operations and applicant's proposal for and constructing/installing and financing the same;

5. A detailed description and identification of the Aircraft to be fueled and all equipment and Facilities to be used and copies of all documents indicating ownership and/or the applicant's right to use of same;

6. The number and identification of Persons proposed to conduct the Fueling Operations;

7. The hours of proposed Fueling Operations;

8. Proof of insurability to the types and limits of insurance coverage as provided herein;

9. A listing of the federal, state and local laws, rules and regulations to which the operations are subject;

10. A plan for compliance with the County's management, environmental and land-use requirements, policies and goals;

11. The mailing address to which notices under these regulations are to be sent by certified mail;

12. Any other information determined by the Director of Aviation to be reasonably necessary or useful in the review and evaluation of the application and/or the conditions of the permit.

B. The Director of Aviation reserves the right, prior to certification of an application as complete, to forward applications to referral agencies including, without limitation, the fire marshal, the sheriff's department and the building inspection department, for review and comment on safety and hazardous materials concerns arising from the proposed Fueling Operations. In that event, no Fueling Operations Permit shall issue and no Fuel dispensed without requisite approvals from these agencies or departments.

C. When an application has been filed with the Director of Aviation and certified by the Director to be in complete and proper form, the Director shall arrange inspections(s) of the applicant's proposed Fueling Operations including, without limitation, the site, Facilities and equipment for the proposed operation(s) in order to verify compliance or determine what action is necessary in order to be in compliance with these regulations.

D. The Director shall issue or deny in writing a Fueling Operations Permit within thirty (30) days of receipt of a complete application or within other such reasonable time as may be necessary for the full and complete review of the application. If issued, the permit may contain such conditions, requirements and restrictions as are determined by the Director of Aviation to be reasonably necessary to accomplish the purposes of these regulations. Grounds for denial shall be a finding of one or more of the following:

1. The applicant has failed to provide required information or has provided incomplete, false or misleading information in his or her application;

2. The applicant's proposed Fueling Operation(s) will violate an applicable law, ordinance or regulation;

3. The applicant (or proposed personnel) is then subject to a suspension under these regulations or has had a Fueling Operations Permit revoked within the two years immediately preceding the date of application;

4. The applicant has failed to prove that it meets the minimum requirements of these regulations; or

5. The applicant has failed to prove that it holds any other permits, licenses or certificates required by the Uniform Fire Code or other ordinances or laws.

E. A Self-Fueling permit issued by the Director of Aviation shall be displayed in a conspicuous place on the Permittee's premises at all times. Such permit shall be made available for inspection at any reasonable time upon request by the Director of Aviation or designee.

F. A Self-Fueling permit will be valid for no more than twelve (12) consecutive calendar months from the date of issuance.

G. Fueling permits expressly are not assignable or transferable. (Ord. 93-14 § 1 (part))

#### 10.20.050: COMPLIANCE WITH APPLICABLE LAWS AND STANDARDS

A. A Permittee shall at all times insure that Fueling Operations conducted by the Permittee thereunder are in strict compliance with all then-current applicable County, state and federal laws and regulations and the terms and conditions of applicable insurance policies.

B. A Permittee shall comply with all standards of the National Fire Protection Association (NFPA) and the American Petroleum Institute (API) including, but not limited to, those standards set out in the NFPA's Part 407, Aircraft Fueling and Servicing, API's Bulletin Number 1542, Airport Equipment Marking for Fueling Identification, the Uniform Fire Code, and applicable FAA Advisory Circulars, all as they may be amended.

C. It shall be the responsibility of the Permittee to know and keep current all changes to applicable County, state and federal laws and regulations, whether then in effect or enacted after the permit is issued.

D. FAA Advisory Circular No. 150/5230-4, Subj: Aircraft Fuel Storage, Handling, and Dispensing on Airport, with all current changes, shall be used for determining the minimum requirements for training of fueling personnel, inspections, procedures for dispensing, filtering, minimum safety requirements for refueling vehicles, emergency procedures, and other related fueling safety items. (Ord. 93-14 § 1 (part))

#### 10.20.060: REQUIREMENTS OF AND RESTRICTIONS ON FUELING OPERATIONS

A. Personnel.

1. Aircraft Fueling Operations shall be conducted solely and exclusively by the Permittee personally or by Permittee's own employees.

2. Aircraft Fueling Operations, including the use of Facilities and equipment, shall be conducted only by Persons instructed in the methods of proper use and operation of such equipment and who are qualified to use such equipment.

3. Permittee shall not allow unauthorized personnel to occupy or use its sites, Facilities or equipment.

B. Training Program/Policies and Pro-cedures.

1. A Permittee shall not conduct Fueling Operations, until the Permittee has successfully completed a fueling training program approved by the County. Proof of training, i.e., test scores, shall be kept on file for inspection in the office of the Director of Aviation.

2. A Permittee shall not conduct Fueling Operations until the Permittee has adopted a written policies and procedures manual covering all aspects of its Fueling Operations, including self-inspection procedures.

C. Inspection.

1. A Permittee or the employees of Permittee shall not begin Fueling Operations until the Director of Aviation has inspected all of the Permittee's fueling Facilities, equipment and policies and procedures and has determined that they comply with the requirements of these regulations.

2. Each Permittee shall prepare a record of its self-inspection and inspection procedures in sufficient detail to assure the Director that the self-inspection procedures are adequate and completed on a regular, recurring basis.

3. A Permittee shall allow the Director of Aviation or his or her designated repre-sentative(s) to enter and inspect any and all equipment and Facilities at all reasonable hours to ensure compliance with the requirements of these regulations and at any time in response to an emergency or a reported or suspected hazardous condition.

D. Fuel Quality and Types.

1. All Fuel shall be clean, bright, pure and free of microscopic organisms, water, or other contaminants.

2. For Self-Fueling permits, permittee shall provide Aircraft Fuel of the types required only by those Aircraft expressly identified on its Self-Fueling permit.

3. Aircraft using MOGAS must meet standards as identified in the applicable supplemental type certificate (STC) for the permitted Aircraft. A copy of this STC shall be provided to the Director of Aviation prior to the issuance of the permit. Permittee shall further certify that the MOGAS does not contain alcohol, methanol, or both which can be detrimental to rubber parts, carburetor, gaskets, and other engine components.

E. Location of Fueling Operations.

1. Aircraft Fueling Operations may be conducted only on those portions of the Airport that are expressly identified and permitted for that purpose.

2. A Permittee shall obtain the written approval of the Director prior to the construction or installation of any Improvement on Permittee's permitted location.

F. Restrictions on Self-Fueling Operations.

1. Permittees are prohibited from selling and/or storing, handling or dispensing Fuel(s) for or to other Airport users including locally based and transient Aircraft. A Permittee or the employees of a Permittee may dispense Fuel on or from Airport premises only to Aircraft expressly identified on its Self-Fueling permit.

2. Fueling of any Aircraft not owned by the Permittee shall constitute violation of the fueling permit and be grounds for immediate suspension and revocation of the permit. Prior to issuance

and subsequently upon request by the Director of Aviation, Permittee shall, as a continuing obligation under its permit, be required to provide evidence of ownership of any Aircraft being fueled.

G. Conduct of Fueling Operations.

1. Fueling personnel shall be appropriately clothed. Garments that generate static electricity such as silk, polyesters, or nylon with wool shall not be worn. Shoes shall not contain taps, hobnails, or other material which could generate sparks on the pavement. No Person shall use any material during Fueling/defueling Operations which could cause a static discharge.

2. Fuel dispensing Vehicles always shall be positioned to have a clear exit path.

3. Fuel dispensing Vehicles shall always yield right of way to all Aircraft and snow removal equipment.

4. Hangared Aircraft, while being fueled/defueled, shall be positioned outside of the hangars. At no time, and under no circumstances, shall any Aircraft be fueled or defueled while it is inside any hangar, storage or Maintenance facility.

5. No Aircraft shall be fueled while the engine is running, except that helicopters and fixed-wing Aircraft on authorized and dedicated MEDEVAC, "flight-for-life," disaster relief missions, or bona-fide emergency operations may be fueled while the engine is running provided that the Permittee has developed written safety precautions for such fueling operations and follows the safety precautions for each such fueling operation..

6. No potential sources of Fuel ignition shall be allowed within fifty (50) feet of any Fueling Operation.

7. No electrical switch in an Aircraft shall be operated during Fueling/defueling Operations.

8. No passenger(s) will be permitted in any Aircraft during Fueling/defueling Operations; provided, however, that passengers may be aboard if such procedure is a part of an approved policies and procedures manual and exit stairs are in place and a trained attendant is at the exit at all times during the operations.

9. Aircraft and fueling equipment shall be electrically bonded to each other to minimize the possibility of sparks from static electricity while fueling/defueling.

10. Fueling equipment may be Parked or positioned on GA Aircraft Ramp, staging or Parking areas only when dispensing Fuel into Permittee's Aircraft.

11. The total amount of Fuel transported onto the Airport for Self-Fueling Operations shall not exceed that amount necessary for a single refueling of the Permittee's Aircraft. All Fuel in excess of that amount shall be removed from the Airport immediately after the Fueling Operation is completed. **(Ord. 93-14 § 1 (part))**

#### 10.20.070: FUELING FACILITIES AND EQUIPMENT

A. All Fuel stored on the Airport must be in permanent Fuel storage tanks. The installation of storage tanks shall conform to the current Uniform Fire Code and Environmental Protection Agency (EPA) standards and, in addition:

1. The determination of whether the tanks shall be installed aboveground or underground is reserved to the County in keeping with then-current regulations and practices.

2. The applicant for a Fueling Operations Permit shall be responsible for all applicable land-use and Building permit approvals including, without limitation, those required under the Airport FAA Master Plan and the Pitkin County land use code, as amended.

3. A Permittee shall require any contractor it hires for construction of permanent Improvement to provide performance and payment bonds acceptable to the Director of Aviation in the full amount of the construction contract naming the Permittee and Pitkin County as joint obligees.

B. Mobile dispensing equipment shall be a minimum capacity of four hundred (400) gallons for each type of Fuel dispensed and, in addition:

1. Jet Fuel and aviation gasolines are prohibited on the same chassis.

2. Approved aviation gasolines of different octanes may be dispensed from separate tanks on one chassis if the Fuel systems are complete and independent of each other. The systems shall include separate loading, plumbing, sumps, pumps, filters, meters, hoses and dispensing nozzles.

3. Mobile refuelers shall have Facilities for bottom loading.

4. Airport Fueling Vehicles shall be maintained and operated to conform to the NFPA Standard Part 407 and shall comply, at all times and in all respects, with the County's published checklist for such equipment.

C. Fuel transport containers shall have a capacity of not less than fifty (50) gallons each, and shall be clearly marked with the type of Fuel to FAA standards.

1. Fuel transport and dispensing tanks/containers must comply with all applicable federal, state and County regulations regarding the transportation and storage of flammable or combustible liquids.

2. Fuel transport and dispensing container(s) shall be mechanically secured in or on the transport Vehicle and shall at all times be clean, leak-free and otherwise well-maintained.

3. Fuel dispensing container(s) shall have a valve mechanism such that water or other contaminants can be drained from the lowest point on the tank, unless equipped with a glass bowl type filter of adequate size approved by the Director of Aviation. A Fuel uplift standpipe shall be constructed such that approximately five (5) to ten (10) percent of the total capacity of the dispensing tank cannot be delivered through the dispensing system (five (5) to ten (10) percent unusable sump).

4. Portable gas cans are prohibited.

D. All Fuel dispensing equipment shall be subject to the following requirements:

1. Pumps, either hand or power operated, shall be used when Aircraft are fueled. Pouring or gravity flow shall not be permitted. Meters for monitoring and reporting flowage shall be used.

2. All Fuel dispensing equipment must be of a kind that requires manual operation to dispense fuel. Neither the dispensing equipment itself nor the operation of the dispensing equipment shall permit unattended Fueling Operations.

E. All fueling Facilities and equipment shall be maintained in a safe and clean condition equal in appearance and character to other similar airport equipment, Facilities and Improvements.

Upon written notice, a Permittee shall perform any reasonable fueling facility maintenance the Director of Aviation determines is necessary. If a Permittee fails to undertake such maintenance

within ten (10) working days of receipt of written notice, the Director may perform the maintenance and/or suspend the permit. If maintenance is performed by the County, the Permittee shall reimburse the County, via the Director of Aviation, for the cost of the maintenance performed.

F. Adequate fire extinguishers of an approved type shall be within ready, easy and accessible reach of Persons engaged in the Fueling Operation. There shall be maintained at all times at least one fully charged, approved portable fire extinguisher of not less than “20:B, C” rating.

G. At all times while conducting Fueling Operations, Permittee shall have available for immediate use adequate equipment and materials to clean up small spills including, without limitation, absorbent materials, brooms, shovels and a container for cleaned-up Fuel. (Ord. 93-14 § 1 (part))

#### 10.20.080: FUEL SPILLS

A. Upon the occurrence of any Fuel spill at the Airport, all fueling at or near the site of the spill must cease until corrective action, as required by the Director of Aviation, his or her designated representative, or the local fire marshal, is complete. Any Person must immediately report to the Director of Aviation any Fuel spill that meets or exceeds one of the following criteria: Fuel in excess of five (5) gallons); Fuel spreading on the ground in excess of ten (10) feet in length or diameter; Fuel of any amount entering or approaching a storm drain; or Fuel of any amount entering or approaching a temporary or permanent body of water.

B. If there is any cause to believe the amount spilled may be hazardous to the environment or a fire hazard, the Person conducting operations shall next inform the Aircraft Rescue and Firefighting (ARFF) Department and the Aspen Fire Protection District (AFPD) and thereafter co-operate with ARFF and AFPD in the containment and cleanup of the spill. The Director of Aviation may, in his or her sole discretion, charge Permittee the actual costs of a Fuel spill response by the ARFF. The AFPD may, at its sole discretion, charge Permittee the actual costs of a Fuel spill response by the AFPD. Such costs may include costs for materials, equipment time and crew time.

C. Persons engaged in Fueling/defueling Operations shall exercise due care to prevent overflow or spillage and will take immediate measures to report and remove or assist in the removal of any volatile liquid when spilled.

D. No Person shall start the engine of any Aircraft when there is Fuel on the ground under or around/visible from any such Aircraft.

E. After a spill that requires ARFF or AFPD response, the Fueling Operations Permit associated with the spill is deemed to be immediately suspended until the formal written report described below is filed by the Permittee with the Director of Aviation.

F. The formal written report to be filed by the Permittee with the Director of Aviation as soon as possible after the Fuel spill incident shall include:

1. Permittee name;
2. Registration number(s) of Aircraft involved or affected by the spill;
3. Exact time/date and location of spill;

4. Description of spill including type of Fuel spilled and Permittee's representation as to total amount of the spill;
5. Itemized listing of personnel and equipment on scene during the spill and spill response;
6. Representation as to the cause of the spill;
7. Description of all clean-up and remedial actions;
8. Step(s) undertaken to ensure no further reoccurrence of such an incident; and
9. Any other information determined by the Director of Aviation to be reasonably necessary or useful in reviewing or evaluating the spill, the cause of the spill and the steps necessary to prevent future similar spills. (*Ord. 93-14 § 1 (part)*)

#### 10.20.090: INSURANCE

A. A Permittee shall, at his or her own expense, purchase, maintain and keep in force during the term of the permit such categories of casualty and liability insurance as are set forth below. The Permittee shall not commence Fueling Operations under a permit unless all the insurance required under the permit has been obtained and such insurance has been approved by the County.

B. The Director of Aviation reserves the right, in consultation with the Airport's insurance advisors, to establish from time to time in response to each application or renewal application for a Fueling Operations Permit, required indemnity and insurance forms and coverages including, without limitation: types of coverages (including endorsements, conditions and exclusions); limits of liability and deductibles; and the written proof of required coverages. Such requirements shall be commercially-reasonable for the activities to be undertaken by Permittee, non-discriminatory, and consistent with standards and forms then-current in the industry.

C. The minimum coverages and endorse-ments shall be:

1. Employer's insurance:
  - a. Worker's compensation; and
  - b. Employer's liability.
2. Liability insurance: comprehensive broad form general liability (including endorsements for contractual indemnity, premises, products/completed operations, independent contractors, personal injury and broad form property).
3. Motor Vehicle liability insurance: comprehensive liability (including coverage for owned, hired and non-owned Vehicles).

D. It shall be the responsibility of a Permittee to deliver and maintain a current copy of a complying certificate of insurance with the Director of Aviation. (*Ord. 93-14 § 1 (part)*)

#### 10.20.100: RECORDS AND MONTHLY REPORTS

A. Each Permittee shall maintain complete and accurate records of all Fuel delivered and dispensed and shall allow the Director or his or her official representative to inspect its records at any reasonable time.

B. Each Permittee shall, on the tenth day of each month, submit to the Director of Aviation a report of Fuel dispensed during the previous month, specifying each Fueling Operation by the

type(s) and amount(s) of Fuel dispensed, registration number of fueled Aircraft, time and date of Fueling Operations and Person(s) conducting the operations.

C. Each Permittee shall, on the tenth day of each month, submit to the Director of Aviation a copy of the original report received from the Permittee's supplier(s) showing the types, amounts and date(s) of Fuel delivered to Permittee.

D. Each Permittee shall keep on file written daily sump check records for inspection. (Ord. 93-14 § 1 (part))

#### 10.20.110: PERMIT RENEWAL

An application for renewal of a Fueling Operations Permit must be made at least forty-five (45) days prior to expiration of the existing permit. A new application must be filed for each renewal but new applications may incorporate any previous application(s) to the extent that any such information on previous applications is expressly represented to be unchanged. (*Ord. 93-14 § 1 (part)*)

#### 10.20.120: PERMIT SUSPENSION

A. The Director of Aviation may suspend a Fueling Operations Permit or suspend Fueling Operations authorized by a lease upon proof by a preponderance of the evidence that one or more of the following has taken place:

1. The Permittee or Lessee has violated any provision of these regulations or the subject permit;

2. Permittee or Lessee has failed to properly report or respond to a Fuel spill or failed to properly pay charges assessed as a result of a Fuel spill;

3. The Permittee or Lessee has given false or misleading information during the application or renewal process;

4. The Permittee or Lessee has given false or misleading information in the reporting of any information specified in these regulations;

5. The Permittee or Lessee has failed to pay any fees or charges required by these regulations;

6. The Permittee or Lessee has knowingly failed to co-operate, or has impeded or hindered an inspection by the Director of Aviation or his or her authorized representative to inspect any and all elements of the subject Fueling Operations;

7. The Permittee or Lessee has failed to maintain or to prove then-current required insurance coverages;

8. The Permittee or Lessee has failed to make needed corrections to its Fueling Operations in a timely manner as directed by the Director;

9. Permittee or Lessee has knowingly or persistently failed to comply with reasonable directions of the Director of Aviation; or

10. Permittee or Lessee has taken any action that causes or is likely to cause a safety risk or hazard.

B. The Director of Aviation may immediately and summarily suspend any permit or Fueling Operations authorized by a lease (or any unpermitted Fueling Operations) for any violation of any term or condition of a permit or these regulations. Notice of suspension may be given orally by the Director of Aviation, if followed promptly by written notice served as provided herein. The County may pursue additional or alternative remedies as may be authorized pursuant to a lease with an FBO or S-FBO.

C. A notice of suspension shall contain a statement setting forth the reasons for the suspension and the period of the suspension and notify the Permittee or lessee of his or her right to appeal.

D. Notices hereunder shall be served upon a Permittee, Lessee or unpermitted Person by the Director of Aviation by certified mail, return receipt requested, or by personal delivery. Such notice shall be effective two (2) Business days following proper mailing or personal delivery. The refusal to accept such notification, if properly made by the Director, will not stay the suspension action.

E. A request for an appeal of a suspension must be made in writing to the County court and served on the Director of Aviation within ten (10) calendar days of the effective date of a written notice of suspension in the same manner provided for service on Permittee, Lessee or unpermitted Person. A timely request for appeal stays the effect of the suspension unless the Director certifies in a written denial of reinstatement served upon the suspended Permittee or lessee that such a stay would, in his opinion, cause imminent peril to life or property.

F. Upon receipt of a timely request for appeal, the County court Director of Aviation shall promptly schedule a hearing before the duly appointed County hearing officer in order to allow the Permittee or lessee to show cause why the permit or lease provisions should not be suspended. The hearing officer's written decision after such a hearing shall be served on the Permittee, Lessee or unpermitted Person as provided herein. *(Ord. 93-14 § 1 (part))*

#### 10.20.130: PERMIT REVOCATION

A. The Director of Aviation may revoke a Fueling Operations Permit or terminate provisions of a lease authorizing Fueling Operations upon proof by a preponderance of the evidence that one or more of the following has taken place:

1. Permittee or lessee has willfully violated any provision of these regulations or the subject permit and such an act or omission has resulted in the creation or Maintenance of a safety or environmental hazard;

2. Permittee or lessee has been suspended twice for acts or omissions within a two-year period; or

3. Permittee or lessee has conducted Fueling Operations while under suspension.

B. A notice of revocation shall contain a statement setting forth the reasons for the revocation and the period of the revocation and notify the Permittee or lessee of the right to appeal.

C. Notices hereunder shall be served upon a Permittee, lessee or unpermitted Person by the Director of Aviation by certified mail, return receipt requested, or by personal delivery. Such notice shall be effective two (2) Business days following proper mailing or personal delivery. The

refusal to accept such notification, if properly made by the Director, will not stay the revocation action.

D. A request for an appeal of a revocation must be made in writing to the County court and served on the Director of Aviation within ten (10) calendar days of the effective date of a written notice of revocation in the same manner provided for service on Permittee or lessee. A timely request for appeal stays the effect of the revocation unless the Director certifies in a written denial of reinstatement served upon the suspended Permittee or lessee that such a stay would, in his or her opinion, cause imminent peril to life or property. *(Ord. 93-14 § 1 (part))*

#### 10.20.140: EFFECT OF SUSPENSION/REVOICATION

A. A notice of suspension (as it may be modified by the appeal process) shall specify the period of suspension. If the period of suspension is less than the time remaining on the subject permit or lease, Permittee or lessee may resume Fueling Operations only after an inspection by the Director of Aviation to determine that the basis of the suspension has been cured and a written certification of reinstatement by the Director. If the period of suspension is equal to or greater than the time remaining on the subject permit or lease, Permittee or lessee may resume Fueling Operations only after a new application process hereunder.

B. The minimum period of a revocation shall be two years, after which a Permittee or lessee is eligible to apply for a new Fueling Operations Permit. *(Ord. 93-14 § 1 (part))*

### **10.24: USE REGULATIONS FOR AIRCRAFT OPERATORS**

#### Sections:

- 10.24.010 General Provisions.
- 10.24.020 Public Airfield Facilities To Be Provided.
- 10.24.030 Use Of Public Airfield Facilities.
- 10.24.040 Ramp Services And Use.
- 10.24.050 Use In Wartime Or National Emergency.
- 10.24.060 Letting Of Exclusive And Nonexclusive Passenger Terminal Premises.
- 10.24.070 Utilities, Maintenance And Custodial Services.
- 10.24.080 Signs.
- 10.24.090 Vending Machines.
- 10.24.100 Destruction Of Premises.
- 10.24.110 Reports.

- 10.24.120 Indemnification.
- 10.24.130 Insurance.
- 10.24.140 Laws And Regulations.
- 10.24.150 Discrimination.

#### 10.24.010: GENERAL PROVISIONS

A. The provisions of this chapter shall apply to all Airlines operating at the Airport from and after the date of adoption unless (and during the period that) the Airline shall have a lease for the use of the Airport Facilities with the Board of County Commissioners which lease is not subordinate to these rules and regulations. Upon termination of any such lease, the provisions of this chapter shall apply as to any authorized activity on the Airport.

B. Nothing herein shall be construed to exempt any Airline from compliance with any and all provisions of this title.

#### 10.24.020: PUBLIC AIRFIELD FACILITIES TO BE PROVIDED

A. The County will provide, and maintain in good condition and repair, at the Airport, in accordance with good airport Maintenance practices, and make available for use by all Aircraft operators, the Public Airfield Facilities, and any additions or Improvements thereto. The County shall remove snow and ice from the Public Airfield Facilities as close to the air terminal as practicable, except as expressly provided in Section 10.24.070 of these regulations.

B. The County may from time to time increase the size or capacity of any such Public Airfield Facilities or make alterations thereto or reconstruct or relocate them or modify the design and type of construction thereof or close them, or any portion or portions of them, either temporarily or permanently, and the County will attempt to keep at a minimum any disruption or inconvenience that such projects may cause.

#### 10.24.030: USE OF PUBLIC AIRFIELD FACILITIES

A. Airlines and other Aircraft operators shall be entitled to use the Public Airfield Facilities for the following purposes:

1. Runways, for the purpose of the landing and taking off of Aircraft;
2. Taxiways, for the purpose of the ground movement of Aircraft;
3. Public passenger Ramps and apron areas, for the purpose of unloading and loading passengers, baggage, freight, mail, supplies and cargo to and from Aircraft, together with the right to use designated portions of the Ramps for delivery and pick-up of freight, cargo, and mail by ground Vehicles or other means and the right to use designated portions of the Ramps for operation and reasonable Parking for them and their contracted Vehicles servicing Aircraft, and

for the purpose of performing such Fueling and other Ramp services; all of which rights to public Ramp and apron are more extensively defined in Section 10.24.040;

4. Training operations of Airlines; and

5. Any other use normally incident to the foregoing.

B. The use of the Public Airfield Facilities by the Airlines may be in common with other public users, upon compliance with the reasonable and nondiscriminatory terms and conditions (including the payment of rates, fees and charges) upon which they are made available for such use, and in conformity with the reasonable rules and regulations prescribed by, or which may be prescribed by, the County with respect to the uses thereof including, but not by way of limitation, rules, regulations and directives relating to safety and security of the Public Airfield Facilities.

#### 10.24.040: RAMP SERVICES AND USE

A. The Airlines shall have the use of only those Ramp spaces designated by the Director of Aviation for their use. No services will be permitted by the Airlines to Aircraft occupying such loading or unloading positions other than those services (herein called "Ramp Services") incidental to the immediate preparation of Aircraft for scheduled departure, such services to include, among others, fueling, inspection, interior cleaning, a non-routine adjustment of equipment of an emergency nature or in order to insure the safe departure of the Aircraft, unless otherwise authorized by the Director of Aviation or by the County.

B. The Airlines shall have the right to perform their own Ramp Services, but if desirous of having such service performed by a contractor, they shall employ a regular Ramp contractor, by which is meant a Person or concern authorized by the County to perform specific Ramp Services for turnaround services at the Airport, including, but not by way of limitation, another Air Carrier authorized to use the Public Airfield Facilities in accordance with the terms hereof, an FBO or the like permitted to do such Business in accordance with the terms of agreement of such Person or concern with the County, or any other contractor or supplier of such services, provided they supply or perform the services by agreement with the County, which agreements may provide for payment of fees and charges and the abiding by reasonable rules, regulations, and directives of the County and Director of Aviation as a condition of the agreements. Nothing in the foregoing paragraph shall be construed to prohibit the Airline engaging temporary emergency Maintenance services for the emergency repair of Aircraft.

C. Further, it is understood and agreed by the Airlines that the Parking and storage of an Airline's or its contractor's ground Vehicles on its Ramp or apron shall be designated by the Director of Aviation. All such equipment so Parked and/or stored shall be in a workmanlike manner and the area designated for storage shall at all times be kept in clear and orderly condition. No Vehicles shall be Parked as "dead storage" on the Ramp area. Overnight Parking of the Airline's Aircraft shall be allowed on its Ramp space(s) only.

D. Drivers and Vehicles delivering or picking up freight, cargo, or mail at the freight area of the passenger terminal shall be positively directed and controlled by a designated employee or employees of an Airline or an employee or employees of another Airline or other tenant operating on the Ramp, and it shall be the responsibility of the Airline when its employee or

employees are so directing such Driver and Vehicle to do so in accordance with the rules and regulations of the County and directives of the Director of Aviation.

#### 10.24.050: USE IN WARTIME OR NATIONAL EMERGENCY

During the time of war or national emergency, the County shall have the right to enter into agreement(s) with the United States Government for military use of part or all of the Public Airfield Facilities, the publicly owned air navigation Facilities, and other areas or Facilities of the Airport, and if any such agreement becomes effective, the Airlines' use and occupancy of the Airport, insofar as they are inconsistent with the provisions of such agreement(s) with the government, shall be subordinated to those agreement(s).

#### 10.24.060: LETTING OF EXCLUSIVE AND NONEXCLUSIVE PASSENGER TERMINAL PREMISES

A. The Airlines shall have the right to use of any space or spaces designated for their use by the Director of Aviation.

B. The Airlines are granted the use of the space(s) so designated for the purposes normally associated with an Air Carrier's use of the space, except that in no event shall the same be construed to permit occupation thereof as a car rental or leasing agency, for hotel or lodge reservations (including telephone "hot lines" therefor) or for Taxi or Limousine services; provided, however, that the foregoing shall not be construed to prohibit the use of the space for ground transportation services contracted for by the Airline to transport its passengers and/or freight by ground transportation in lieu of scheduled flights necessitated by the temporary closure of the Airport by bad weather. The rights of the Airlines under this section shall also include the right of them to carry air freight into and out of the Airport and to make surface pickup and delivery of such freight. The Director of Aviation may, at his or her election, offer substitute transportation by Motor Vehicle to the Airlines' interstate passengers (only) under emergency conditions. Emergency conditions for purposes of this subsection shall include equipment failure, adverse weather conditions, or other causes beyond the control of the Airlines resulting in the Airlines' inability to provide air transportation. The Director of Aviation, in his or her sole discretion, shall determine when an emergency condition exists. The Director of Aviation may act as agent for the Airlines and may impose and collect a reasonable charge for such transportation, to be paid over to Pitkin County or its agent, for providing such substitute service.

C. The Airlines shall be allowed to keep and maintain one pay telephone station in their screened passenger boarding areas as an accommodation to passengers.

D. Airlines may occupy the spaces designated as common areas for the purposes normally associated with an Air Carrier's use of the space.

E. The Airlines may, for themselves, their employees, agents and invitees, use the public Facilities within the common areas of the air terminal such as rest rooms, drinking fountains and the like; provided, however, that there shall be no lounging of the Airlines' employees in such areas. The areas shall meet the standards of the state of Colorado Industrial Commission,

COSHA and OSHA, respecting occupancy of the premises by the Airlines' employees. Items required by such legislation or regulatory agencies may be situated in any area.

F. If the Director of Aviation determines, on occasion, that safety of the public requires or, due to the lateness of the hour or for other reasonable causes, convenience requires use of a remote passenger boarding space or area, such space or area shall be considered as added on to the passenger boarding space of the Airline on a temporary basis. Subject to reasonable rules and regulations, the Airline shall have the right to use ten (10) employee Parking spaces in an area designated by the Director of Aviation.

#### 10.24.070: UTILITIES, MAINTENANCE AND CUSTODIAL SERVICES

A. In consideration of the rents paid, the County will provide heat at its expense within the inside areas occupied by the Airlines. The Airlines shall provide electricity, water, trash removal and other utility services desired by it at its own expense. The Airlines shall also provide snow removal to within three feet outside of any space designated for use by the Airlines and further shall cooperate fully with the County in its removal of snow and ice pursuant to Section 10.24.020.

B. The County shall provide, at its expense, structural Maintenance to the premises, including the repair of damages to the premises not resulting from abuses of the Airlines or their Permittees' negligence or abuse.

C. The County further will provide on a daily basis routine custodial care of the common areas (janitorial services to the satisfaction of the Director of Aviation for the space assigned to the Airlines being the responsibility of the Airlines) including, when appropriate, but not by way of limitation, sweeping, mopping, dusting, vacuuming and trash collection and, as may be required from time to time, waxing and washing. The County shall, as may in the discretion of the Director of Aviation be required, undertake from time to time the painting and refinishing of walls and other structural parts of the premises (exclusive and nonexclusive).

#### 10.24.080: SIGNS

No Airline shall paint or erect in any manner any sign or advertising displays without the prior written approval of the Director of Aviation. All signs identifying the Airlines shall conform to reasonable standards established by the Director of Aviation with respect to their type, size, design, color, condition and location.

#### 10.24.090: VENDING MACHINES

Except for the installation of telephones addressed elsewhere in these regulations, no amusement or vending machines or other machines operated by coins or tokens shall be installed or maintained by the Airlines without prior written permission of the Director of Aviation.

#### 10.24.100: DESTRUCTION OF PREMISES

If by reason of any cause (other than that of the Airlines) the Airlines' spaces are damaged to such an extent that such premises are unusable in whole or in substantial part, then:

A. The County will make all reasonable efforts to provide substitute Facilities, and such substitute Facilities will be made available to the Airlines in accordance with the schedule of rentals, fees and charges for the use of the Airport established and modified from time to time by the County;

B. If the repairs and rebuilding necessary to restore such premises to the condition existing prior to the occurrence of the damage are, in the reasonable judgment of the County, justified in the light of existing or contemplated construction programs and can be completed within ninety (90) days from the date on which the damage occurred, the County shall so notify the Airline or Airlines in writing and shall proceed with such repairs and rebuilding programs, or if they cannot, in the reasonable judgment of the County, be completed within ninety (90) days, the County, at its option, to be evidenced by notice in writing to the Airline or Airlines, may either: (1) proceed promptly with the repairs and rebuilding, in which event the rental shall be abated as aforesaid; or (2) terminate the use and occupancy of the premises by the Airline or Airlines;

C. If the Airlines, their employees, agents, invitees or licensees shall cause any damage to or destruction of any Airport Building or property, the Airlines shall so notify the Director of Aviation immediately and make immediate arrangements for restoration of the damage at the Airlines' expense. The Airlines' rent shall not be abated during repairs or rebuilding under this subsection.

#### 10.24.140: REPORTS

The Airlines shall, on or before the twentieth day of each and every month during their occupancy, submit to the County by delivering to the office of the Director of Aviation, the following records of the preceding month's activities:

A. Aircraft landing reports listing by such date the number and type of Aircraft landed by the Airlines at the Airport, showing the total of each such Aircraft for the preceding month;

B. Enplaned passenger report showing the monthly total of revenue passengers boarding the Airlines' Aircraft at the Airport for the preceding month;

C. All necessary statistics relating to gross maximum allowable landing weights for the preceding month.

These reports shall be signed as correct by responsible employees of the Airlines. The reports shall be on a form provided by or approved by the County and the County reserves the right within reason to ask for such further information or clarification of any matter contained thereon and the Airlines shall provide such information. Such information shall be kept confidential for a period of three months from the date of receipt thereof, and after that, the information shall not be published alone by the County in conjunction with the Airlines or reference thereto, but may be published only in gross; provided, however, that the foregoing restriction shall not be construed to prohibit the use and publication of such information combined in gross with similar statistics for all other Air Carriers utilizing portions of the air terminal for purposes of determining the legitimate needs of the Airport after the expiration of three months from the receipt thereof by the County.

10.24.160: INDEMNIFICATION

The Airlines shall release and indemnify and save harmless the County, its officers, agents and employees, from and against any and all loss of or damage to property, or injuries to, or death of, any Person or Persons, including property and officers, employees and agents of the County, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind or nature whatsoever, of or by anyone whomsoever, in any way resulting from, or arising out of, the negligent acts and omissions and wrongful conduct of officers, employees, agents, contractors, and subcontractors of the Airlines.

The County shall release and indemnify and save harmless the Airlines, their officers, agents and employees, from and against any and all loss of or damage to property, or injuries to, or death of, any Person or Persons, including property and officers, employees and agents of the Airlines, and from any and all claims, damages, suits, costs, expenses, liability, actions or proceedings of any kind or nature whatsoever, of or by anyone whomsoever, in any way resulting from, or arising out of, the negligent acts and omissions and wrongful conduct of officers, employees, agents, contractors, and subcontractors of the County.

10.24.170: INSURANCE

The Airlines shall at all times maintain in force such bodily injury and property damage insurance as may be required as a condition of any operating certificates that they are required to have for their operations and shall, if not otherwise required, maintain bodily injury and property damage insurance covering all of the operations and activities at or upon the Airport, but with limits of not less than the limits enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners. The Airlines shall maintain in force workmen's compensation insurance for all of its employees at the Airport. All policies of insurance so maintained, except workmen's compensation insurance, shall name the County as a co-insured thereunder. The County shall maintain, at its expense, fire and extended coverage insurance upon the air terminal.

10.24.180: LAWS AND REGULATIONS

The Airlines shall cause its their officers, employees, and any other Persons over whom it they have has control to obey and comply with all existing and future laws, and all lawful directives, conditions of certificates, and rules and regulations adopted, promulgated, or ordered by the United States Government or any of its agencies, state of Colorado, or any of its agencies or political subdivisions including, but not by way of limitation, the reasonable rules and regulations of the County, all as may affect the Airlines and the operations and activities in and at the Airport.

All gates and doors leading to the Airlines' air operations areas will be either locked or controlled at all times and no unauthorized personnel and/or Vehicles will be permitted on their air operations areas.

All air freight customers will be escorted on the air operations area by Airline personnel. (The method of detecting unauthorized personnel within the Airlines' air operations area shall be by personal recognition and/or a security pass inspection.)

Should any violation, attempted violation or emergency occur, the Airport management or the designated Airport security officer shall be notified immediately. The method of notification shall be verbal, followed up with a written report. In the event that the Airport management or Airport security officer is not available, the Pitkin County sheriff's department shall be notified.

The Airlines shall be responsible for and pay any and all fines imposed by the FAA and/or TSA as a result of security violations with the Airlines' use areas (terminal or Ramp or SIDA) without regard as to whether or not committed by the Airlines' employees, agents or invitees. This includes, but is not limited to, open or unlocked gates or doors, unauthorized personnel, unauthorized and/or unescorted Vehicles.

#### 10.24.190: DISCRIMINATION

As a condition for the use and occupancy of the premises: (1) no Person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (2) the Airlines shall use Airport property and Facilities in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended from time to time.

The Airlines shall undertake affirmative action programs as required by CFR Part 152, Subpart E, to insure that no Person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. No Person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this chapter. The Airlines shall require that their covered suborganizations provide assurances to the County that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR Part 152, Subpart E, to the same effect.

### **10.28: VEHICLES AND TRAFFIC AT AIRPORT**

Sections:

#### 10.28.010 COMPLIANCE WITH STATE LAW

- 10.28.020 SPEED LIMITS AT THE AIRPORT
- 10.28.030 VEHICLE OPERATION ON RAMP, RUNWAY, TAXIWAY AND HANGAR AREAS
- 10.28.040 AUTHORIZED OPERATORS IN AIRPORT OPERATIONS AREA ONLY
- 10.28.050 EQUIPMENT REQUIREMENTS AND RESTRICTIONS
- 10.28.060 RIGHT-OF-WAY IN THE AIRCRAFT OPERATIONS AREA
- 10.28.070 PARKING ON AIRPORT PROPERTY
- 10.28.080 ABANDONED VEHICLE
- 10.28.090 EMERGENCY EQUIPMENT AT THE AIRPORT
- 10.28.100 TAXICABS AND LIMOUSINES—LOADING AND UNLOADING OF PASSENGERS
- 10.28.110 REGULATION OF COMMERCIAL VEHICLES AT THE AIRPORT
- 10.28.120 BULK PLANTS
- 10.28.130 MISCELLANEOUS TRAFFIC RULES AND REGULATIONS

10.28.010: COMPLIANCE WITH STATE LAW

Any Person who operates, drives, or is in full physical control of any Vehicle on Airport property, including, but not limited to, Motor Vehicles, Motorcycles and Bicycles, (“Operator,” for the purposes of this section 10.28) and any pedestrian on Airport property must comply with all requirements of Title 42 of the Colorado Revised Statutes, Articles 2 and 4, relating to drivers’ licenses and the regulation of vehicles and traffic.

10.28.020: SPEED LIMITS AT THE AIRPORT

A. In the absence of a posted maximum allowable speed limit in any area of the Airport, the limit shall be fifteen (15) miles per hour.

B. No Person shall drive or operate any Vehicle near Aircraft in excess of ten (10) miles per hour, nor around hangars and Buildings in excess of twenty (20) miles per hour, nor on the Ramps in excess of twenty-five (25) miles per hour.

10.28.030: VEHICLE OPERATION ON RAMP, RUNWAY, TAXIWAY AND HANGAR AREAS

A. No Vehicle shall be driven or operated around the hangars except official County Vehicles or Vehicles of tenants of those hangars being used on company Business, and Vehicles of

customers or suppliers of tenants of those hangars, necessitating entry thereto with identification allowing such entry, or permission of the Director of Aviation, or his or her authorized representative.

B. No Person shall drive any Vehicle between the terminal and Parked Aircraft on the terminal Building Ramps except for Airport Vehicles engaged in necessary Maintenance functions (e.g. snow removal) or Air Carrier Ramp Vehicles or Authorized Emergency Vehicles.

C. No Person shall drive any service Vehicle on the Airport Operations Area unless such Vehicle is equipped with resistor-type spark plugs or other satisfactory device to eliminate radio interference from ignition noise.

D. No Person shall drive any Vehicle on or across a Runway unless authorized to do so by the airport control tower, or if the same be closed, the Director of Aviation, or his or her authorized representative.

E. No Person shall stop or Park a Vehicle upon any Runway or Taxiway unless he or she is in direct radio communication with the Airport control tower and has received specific clearance from the Airport ground control to so stop or Park.

F. No Person shall operate any Motor Vehicle upon any Taxiway or Runway unless such Vehicle has attached thereto a flashing amber beacon or an orange and white flag approved by the Director of Aviation, or his or her authorized representative, except fire, Law Enforcement Officers and authorized Airport Vehicles. This prohibition shall not apply equally to the operation of Motor Vehicles upon the Ramp area, provided however that Motor Vehicles without a beacon or approved flag may traverse the Ramp area between one-half hour past sunset and 7:00 am local time provided only if they are closely escorted by a Motor Vehicle equipped with a beacon or approved flag.

#### 10.28.040: AUTHORIZED OPERATORS IN AIRPORT OPERATIONS AREA ONLY

No Person shall operate a Vehicle upon the Airport Operations Area unless specifically authorized as defined below. Such Persons as are authorized are as follows:

A. Operators of Vehicles used by any governmental agency while in the discharge of its governmental proprietary duties in the management, operation or control of the Airport, provided such Operators have in their possession valid unexpired I.D. cards issued by the Director of Aviation, or his or her authorized representative;

B. Operators of marked company Vehicles who are employed by tenants of the Airport, except that such operation shall be authorized only upon the Ramp areas and only when in the discharge of the tenants' Business or duties upon the Airport, provided such Operators have in their possession valid unexpired I.D. cards issued by the Director of Aviation, or his or her authorized representative;

C. Operators of Vehicles who are expressly granted permission by the Director of Aviation or his or her authorized representative, except that only such specific operations shall be authorized as comply with any requirements or restrictions placed on the operations by the Director of Aviation, or his or her authorized representative;

D. Operators of emergency Vehicles who are operated by or accompanied by or directed by a firefighter, or Law Enforcement Officer, or the Director of Aviation or his or her authorized representative.

#### 10.28.050: EQUIPMENT REQUIREMENTS AND RESTRICTIONS

A. No Person shall use upon any Motor Vehicle operated or to be operated on the Airport any device, apparatus, equipment, instrument, or other system, method, or instrumentality with, in, or on any exhaust system designed or intended to ignite exhaust gases to produce a flame, within or outside the exhaust system of the Motor Vehicle.

B. All Motor Vehicles operated upon the Airport shall be equipped with windshields of a size which shall be at least equal to the size of such windshields which any particular make, model or body style of Motor Vehicle shall have been equipped with as original stock equipment by the manufacturer of such Motor Vehicle; and no Person shall operate a Motor Vehicle which has been altered, cut down, customized, or otherwise changed so that it has a windshield which is reduced in size and square inches of glass area from that size of windshield with which such Motor Vehicle was originally equipped as stock equipment by the manufacturer of such Motor Vehicle.

C. No Person shall operate a Motor Vehicle upon the Airport which has attached thereto in any manner any chain, rope, wire, or other object or equipment which drags, swings or projects in any manner so as to endanger the Person person or property of another.

#### 10.28.060: RIGHTS-OF-WAY IN THE AIRCRAFT OPERATIONS AREA

A. Aircraft shall have the Right-Of-Way over all other Vehicles and Pedestrians in Airport Operations Area. However, Aircraft shall yield the Right-Of-Way to Authorized Emergency Vehicles displaying a lighted red light or when directed to yield by a Law Enforcement Officer, fire officer, or Airport control tower. The Pilot in command or the operator of such Aircraft shall, notwithstanding the foregoing, exercise caution upon observing a Vehicle or Pedestrian in or approaching his or her line of travel.

B. Within the Airport Operations Area, Vehicles approaching each other shall be subject to the following rules of Right-Of-Way:

1. When Vehicles are converging upon each other (except head-on or nearly so), the Vehicle to the other's right has the Right-Of-Way and the Driver of the Vehicle to the left shall yield the Right-Of-Way to the Vehicle to his or her right.

2. When Vehicles are approaching each other head-on or nearly so, the Driver of each Vehicle shall alter his or her line of travel to the right. However, if obstruction, condition of Traffic, or surface prevents the line of travel to be altered, the Vehicle so obstructed shall slow and stop until the approaching Vehicle is well clear.

3. Moving Vehicles that are being overtaken have the Right-Of-Way, and the Driver of the overtaking Vehicle shall pass well clear to the left of the Vehicle being overtaken. The Operator of the overtaking Vehicle shall sound his or her horn and flash his or her headlights before passing the Vehicle being overtaken.

C. Vehicles crossing the marked lane lines painted on the Ramp shall yield the Right-Of-Way to all Vehicles proceeding within the marked lane lines and shall not proceed to cross over or into the lane until the way is clear for them to do so.

#### 10.28.070: PARKING ON AIRPORT PROPERTY

A. All places upon the Airport, unless specifically established or designated for vehicular Parking, shall be “No Parking” areas, and no Person shall stop, stand or Park a Vehicle any place upon the Airport other than places specifically established or designated for vehicular Parking; except that within Airport Operations Areas, authorized Vehicles actually being used in the performance of services and duties to the Airport, or users of the Airport, may be stopped or Parked while in the performance of those services or duties; provided, that being so stopped or Parked they present no undue or prolonged obstruction to other vehicular or Aircraft Traffic.

B. All paid Parking patrons will abide by posted Parking rates and rules.

C. Where there are Roadways in place, no Person shall stop, stand or Park a Vehicle on the Roadway side of any other Vehicle stopped or Parked by such Roadway, except that a Vehicle may be stopped at the Roadway side of a Vehicle while waiting for another Vehicle to clear a Parking space, where such other Vehicle is actually doing so.

D. No Person shall Park or operate a Vehicle upon any Roadway for the principal purpose of:

1. Displaying such Vehicle for sale;
2. Greasing, oiling, lubricating, painting or repairing such Vehicle, except repairs necessary to remove the Vehicle from the Roadway, and which are required to be made because of an emergency;
3. Display advertising.

#### 10.28.080: ABANDONED VEHICLES

A. No Person shall abandon or Park as “dead storage” any Motor Vehicle on the Airport. The Airport shall be deemed to be private property for purposes of abandoned Vehicles, and the Director of Aviation or his or her authorized representative shall have all of the rights of a private property owner with respect to abandoned Vehicles pursuant to C.R.S. 1973, 42-4-1102(3).

B. Hangar lessees and other Airport users shall Park or store their personal Vehicles on the Airport only in connection with air travel or other aviation-related uses, and cannot use hangars to indefinitely store their Vehicles.

#### 10.28.090: EMERGENCY EQUIPMENT AT THE AIRPORT

The Director of Aviation shall be responsible for storage and Maintenance of the fire truck and fire fighting equipment keeping it in good and usable condition for emergency preparedness.

#### 10.28.100: TAXICABS AND LIMOUSINES—LOADING AND UNLOADING OF PASSENGERS

A. No Person shall drive or Park or stop a Taxicab or Limousine for the purpose of soliciting, loading, or discharging a passenger or passengers at the Airport except in the area designated and posted for such purpose. Pitkin County may, at its discretion, impose fees upon the ground transportation companies to recover any expenses incurred in the management or control of their Vehicles.

B. No Person shall Park or stop a privately owned Vehicle for the purpose of loading or picking up a passenger or passengers except in the lane or lanes designated for such purpose or except in a public Parking lot.

C. No Person shall drive or operate a Taxicab or Limousine upon regulated areas of the Ramp, the terminal Building Traffic area except with the permission/license/permit of the Director of Aviation, or his or her authorized representative.

D. Operators of Taxicabs or Limousines shall stay within their Vehicles at all times except for the loading of passengers and luggage, and shall not solicit patronage by instigating direct oral communications with potential fares or by hawking, intending to accomplish such patronage.

E. The Director of Aviation may promulgate additional regulations (not inconsistent herewith) affecting the operations of Taxicabs or Limousines, or the conduct of their Drivers, reasonably necessary for the management of the Airport. Such regulations, if posted in at least one conspicuous place at the Airport five days prior to their effective date, shall have the same effect as the other provisions of this section.

#### 10.28.110: REGULATION OF COMMERCIAL VEHICLES AT THE AIRPORT

A. The County is authorized to regulate commercial activities on Airport property, to enforce such regulations and to set out and collect fees for these commercial activities pursuant to C.R.S. §§ 41-4-101 et seq.

B. Commercial ground transportation operators shall comply with the rules enumerated in a document entitled "Ground Transportation Rules" as published by the Director of Aviation, and as the same shall be modified from time to time by the County within its sole discretion. Such Ground Transportation Rules shall govern requirements such as license agreements, operating restrictions and permit requirements. Enforcement and penalties for violations of the Ground Transportation Rules shall be as prescribed in Section 10.28.140, provided that the Ground Transportation Rules may set forth additional penalties.

C. Commercial ground transportation operators shall be subject to fees, as enumerated in section 10.16.070 of these regulations.

D. Commercial ground transportation operators shall at all times while on Airport property follow any written and verbal directives given or issued by the Director of Aviation, any other County employee assigned to the Airport, or any Law Enforcement Officer.

#### 10.28.120: BULK PLANTS

A. Under no circumstances will a tank Motor Vehicle be left unattended at a Fuel storage area ("bulk plant") during the loading and unloading process. Loading and unloading shall not be considered complete until the delivery hose is detached from Vehicle and tanks.

B. Every tank Motor Vehicle must have the tank grounded and the nozzle grounded before loading or unloading.

C. Persons or companies using any bulk plant are responsible for keeping yards free of weeds and for a distance of three feet outside of yard fences. Yards will be kept free of trash and other debris at all times.

D. Care will be taken in filling tanks at bulk plant to allow for heat expansion, and not filled to the point where they will overflow from heat expansion.

E. All loading platforms and fill nozzles will be equipped with proper grounding clamps and flexible cables.

F. No bulk plant shall be constructed upon the Airport without the written consent of the Board of County Commissioners. All bulk plants existing as of October 1, 1975, shall be completely enclosed by a security fence approved by the Director of Aviation, or his or her authorized representative, and shall be kept locked at all times when not being used by authorized employees of the owner thereof.

#### 10.28.130: MISCELLANEOUS TRAFFIC RULES AND REGULATIONS

A. No Driver or Person in control of any Vehicle being loaded or unloaded, or the workmen or Persons in control of any construction project, or any other Person, shall permit or cause any object or objects to protrude or extend into any lane of Traffic so as to create a hazard or block the same; provided, that the provisions of this subsection shall not apply where the protrusion or extending of an object or objects into a lane of Traffic is only temporary and sufficient signs or other means of warning are placed or used so as to give the Drivers of other Vehicles sufficient notice of the presence of the same.

B. The Driver or Person in control of any Vehicle designed to carry merchandise, materials, objects, or other loads, which has a tailgate, shall not drive, stand, stop or Park such Vehicle in Traffic with the tailgate in a down position so that it extends beyond the normal limits of the sides of the Vehicle regardless of whether the tailgate is operated manually, mechanically or electrically; provided, that the provisions of this subsection shall not prohibit the placing of freight or merchandise on such tailgate for the purpose of transporting the same, or while the Vehicle is actually being loaded or unloaded.

#### 10.28.140: PENALTIES

A. The penalty for violating any requirement of this section 10.28 shall be as follows:

First Offense \$75.00

Second Offense \$200.00

Third and Additional Offense \$1,000.00, or maximum civil penalty allowable by state law

B. These penalties shall be assessed in the manner provided in Section 10.32.010(A).

*Entire code repealed and reinstated by Ord. 028-2005, 07-28-05 § 10-28 amended (part) by Ord. 013-2006, 05-10-06*

#### **10.32: PENALTIES**

Sections:

10.32.010: VIOLATIONS—PENALTIES

10.32.010: VIOLATIONS—PENALTIES

A. Whenever in any section of this division the doing of any act is required, prohibited or declared to be unlawful and no specific fine or penalty is provided for a violation thereof, any Person, firm or corporation found to have violated any such section shall, for each offense, be fined an amount not exceeding one thousand dollars (\$1,000.00) or imprisoned for a period not to exceed ninety (90) days, or be both so fined and imprisoned. not exceeding the maximum allowable by state statute at the time of the violation, which ever is more current.. The Director of Aviation, his/her authorized representative or a Law Enforcement Officer shall be authorized to impose any fine in lieu of other penalties by delivering a Notice of Violation, and such fine shall be payable immediately upon receipt. The recipient of the Notice of Violation may file an action in County Court to contest any part of the Notice of Violation. In the event that the recipient of the Notice of Violation has neither paid nor contested the Notice of Violation, the County Attorney may file an action in County Court to seek an order demanding payment.

B. Any Person who aids, assists or abets any Person in the operation of any Aircraft or Vehicle in violation of these regulations shall be subject to the same penalties specified in subsection A of this section.

C. In the event that any Person is found to have committed four or more violations of any requirement of this division within any consecutive twelve month period, the Director of Aviation may initiate a proceeding before the duly appointed County hearing officer to request, County Attorney may seek and the Court may order, in addition to any fine(s) penalties specified in subsection A of this section, that the Person be denied the privilege of operating an Aircraft to, at or from the Airport for a period of time to be determined by the Courthearing officer to be reasonable in light of the circumstances. In the event that the County terminates any lease, permit or license as a result of one or more violations of the requirements of this division, the County AttorneyDirector of Aviation may seek and the Courthearing officer may order that the Person be debarred from applying for a new lease, permit or license for a period of time to be determined by the Courthearing officer to be reasonable in light of the circumstances. During such hearing, the Person charged with violating these regulations shall be afforded the right to be represented by counsel; to present and submit testimony and evidence; to cross-examine other persons giving testimony; to require (or request) that all witnesses be placed under oath; to a record of proceedings; and (on request) a written decision setting forth the findings of fact and conclusions, with reasons or basis for the decision, on the material and relevant issues presented in the record. The hearing officer shall not be bound by formal rules of evidence, but may consider any matters which he or she conclude are reasonably reliable and calculated to aid in reaching a correct determination of the issues involved.

***Entire code repealed and reinstated by Ord. 028-2005, 07-28-05 § 10-32 amended (part) by Ord. 013-2006, 05-10-06***

## **DIVISION II. MINIMUM STANDARDS AND REQUIREMENTS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AND SERVICES**

### **10.36: GENERAL PROVISIONS AND DEFINITIONS**

Sections:

10.36.010 INTRODUCTION

10.36.020 DEFINITIONS

10.36.030 EXEMPTIONS

10.36.040 PREQUALIFICATION AND APPLICATION REQUIREMENTS

10.36.050 GROUNDS FOR DENIAL OF APPLICATION

10.36.060 GRANTING OF LEASES, LICENSES OR PERMITS FOR USE OR OCCUPANCY OF GA AREA PROPERTY FOR COMMERCIAL PURPOSES

10.36.010: INTRODUCTION

Pitkin County, Colorado, a Colorado home-rule County, by its Board of County Commissioners (“County,” “BOCC” or “board”), as the owner, proprietor, operator and sponsor of the Airport, in order to encourage and ensure the provision of adequate aeronautical services and activities at and from the Airport, the economic health of the Airport and the orderly redevelopment and further development of aeronautical and related support Facilities at the Airport, has established these Minimum Standards and requirements for Commercial Aeronautical Operators at the Airport (“Minimum Standards”).

The following chapters and sections set forth the requirements prerequisite to a Person or entity operating upon and engaging in one or an aggregate of Commercial aeronautical services and activities at the Airport. These Minimum Standards are not intended to be all-inclusive; a Commercial Aeronautical Operator (“Operator” for the purpose of Division II) on the Airport will be subject additionally to applicable federal, state and local laws, codes, ordinances and other similar regulatory measures pertaining to all such services and/or activities of the same classification and to the provisions of an applicable lease, license or permit.

A written lease, license or permit, properly executed by Pitkin County and the Operator, is a prerequisite to entry upon, occupancy, use, redevelopment and further development on the Airport or the commencement of any of the Commercial Aeronautical Services. The Director of Aviation may determine that an existing or proposed Commercial Aeronautical Service does not demand compliance with the Minimum Standards in order to protect the interests of customers, other Airport users and Commercial Aeronautical Operators. Once the Director of Aviation has established that any Commercial Aeronautical Service does not demand compliance with the

Minimum Standards, the Director shall excuse compliance with the Minimum Standards by all Persons or business entities providing or proposing to provide the same Commercial Aeronautical Service under the same conditions. The written provisions, however, will be compatible with the Minimum Standards contained in this division and will not be less restrictive than these Minimum Standards. These Minimum Standards, as amended, shall be incorporated by reference into all leases, licenses or permits between the County and any Person or entity desiring to occupy Airport Facilities and engage in any Commercial aeronautical services and activities, and all leases, licenses or permits shall expressly be made subordinate to these Minimum Standards. Information relative to rentals, fees and charges to be paid to County or charged to the prospective Operator's customers under a lease, license or permit hereunder will be made available to the prospective Commercial Operators by the Director of Aviation at the time of application or during a competitive procurement process or contract negotiations.

These Minimum Standards are not retroactive and do not affect the current term of any written agreement properly executed prior to the date of adoption and approval of these same Minimum Standards which is not expressly subordinate to the Minimum Standards, although they may affect renewals or extensions of such agreements and shall control any new agreements.

The Minimum Standards have been established (or amended) according to market conditions affecting the Airport at that time. The County expressly reserves the right, pursuant to its legislative and administrative discretion of the best interests of the health, welfare and safety of its residents and guests, and in response to future market conditions, to decrease these Minimum Standards (or any part thereof) or to grant temporary waivers or exemptions, or to increase these Minimum Standards (or any part thereof) by appropriate legislative or administrative procedure so long as any such changes are reasonable and nondiscriminatory.

These Minimum Standards may be supplemented and amended by the County, from time to time, and in such manner and to such extent as is deemed proper in the discretion of the County; provided, however, that prior to any amendment or supplement to these Minimum Standards that may affect any contractual relationships currently existing between the County and Operators, all such affected Operators at the Airport will be given published notice of the proposed amendments and/or supplements and an opportunity for hearing will be had if such is requested, not less than ten (10) nor more than thirty (30) days after the date of the published notice, at which time any Operator may appear, in Person or by counsel, and state his objection, if any, to such proposed amendments and/or supplements. Prospective Operators should verify with the Director of Aviation that they have a complete and current document.

While the Director of Aviation has the authority to manage the Airport (including the authority to interpret, administer and enforce Airport agreements and BOCC policies and the authority to permit temporary, short-term occupancy of the Airport), the ultimate authority to grant the occupancy and use of Airport real estate and to approve, amend or supplement all leases, licenses and permits relating thereto, is expressly reserved to the Board of County Commissioners of Pitkin County, acting by resolution or ordinance at a duly-noticed public meeting.

Further, all redevelopment and further development at the Airport must be consistent with the County land use code, the current approved FAA Airport Master Plan or Airport Layout Plan,

including applicable land-use applications, reviews, conditions of approval and development requirements.

A. Authority. These Minimum Standards are promulgated under the authority set forth in, and are intended to be consistent with the requirements of, the following, as they may be amended from time to time:

1. Colorado Revised Statutes (C.R.S.) Sections 30-11-107, 30-35-202 and 41-4-101, et seq. and 41-5-101, et seq.;
2. The Pitkin County Home Rule Charter;
3. The Pitkin County Code, Chapters 10.04 through 10.32 and the Pitkin County Land Use Code;
4. Airport FAA Master Plan Update (1989) and Airport Layout Plan (ALP), as amended;
5. Airport/FAA Grant Assurances (including incorporated federal statutes and regulations) and applicable FAA Advisory Circulars;
6. Airport County land use public zone district master plan (including conditions of approval of any applicable land-use applications);
7. Airport financial and rate-making policy;
8. Airport bond covenants (existing and future);
9. The Pitkin County procurement code.
10. FAA Advisory Circular 150/5190-5, Exclusive Rights and Minimum Standards for Commercial Aeronautical Activities (2002).

B. Incorporation by Reference. These Minimum Standards incorporate by reference, as though fully set forth herein and as they may be amended from time to time, the following (in the event of a conflict, the more stringent regulation, in the determination of the County, shall apply):

1. Airport regulations, Chapters 10.04 through 10.32 of this code Pitkin County Code Title 10;
2. Airport operations (and emergency) plan;
3. Airport security plan;
4. Airport Fueling and Self-Fueling regulations (Resolution 1986-20), as amended;
5. Airport aviation Fuels facility, spill prevention control and counter measure plan;
6. Airport architectural covenants and Airport development standards (including requirements for site work; utility extensions, upgrades and connections; Building location; landscaping; construction quality; air side and ground side Parking and Traffic circulation; shared Airport capital Improvements; and County ownership at end of lease term or amortization period);
7. Airport disadvantaged Business enterprises (DBE) plan.

C. Co-ordination. These Minimum Standards are to be read to coordinate with and complement the written leases, licenses and permits of all Airport Operators to reach Airport management goals and objectives, as promulgated by the Board of County Commissioners and administered by the Director of Aviation. At present, these other leases, licenses and permits are:

1. Air Carrier agreement;
2. FBO and S-FBO agreements;
3. T-hangar agreement;
43. Rental car agreement;

- 54. Paid Parking agreement;
- 65. Restaurant/bar agreement;
- 76. Terminal advertising agreement;
- 87. Necessities shop agreement;
- 98. Ground transportation agreement;
- 109. Miscellaneous Concession agreement.

The County reserves the right to enter into such other and further agreements for the occupancy and use of the Airport that are deemed by the County to be in the best interests of the County and the Airport. (*Ord. 00-47 § 1 (part), Exh. A § I(A)*)

#### 10.36.020: DEFINITIONS

When used in this division, the following words and terms shall have the following meanings. If, in the administration and/or interpretation of these Minimum Standards, words or terms that are not defined below become relevant, such words or terms will be deemed to be defined by the Federal Aviation Regulations or by common meaning in the aviation industry (from the Airport's point of view), unless such alternate meanings conflict with these definitions, in which case these definitions shall control.

"Additional Facilities, Activities and Services" are those that: are not within the footprint and structure of required Facilities; are those listed below as "additional;" or otherwise are not listed expressly as "required" or "permitted."

"Additional Services and Activities" as defined and limited in the Minimum Standards, are those that may not be developed or maintained, conducted, provided and/or offered on or from the Airport without prior, separate application under these Minimum Standards and all reviews and approvals thereunderthere under

"Aeronautical Activity" or "Aeronautical Service" means any activity or service 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. The following activities, without limitation, which are commonly conducted on Airports, are aeronautical activities within this definition: charter operations, Pilot training, Aircraft rental and sightseeing, aerial photography, aerial spraying, aerial surveying, Air Carrier operation, Aircraft sales and service, sale of aviation Fuel and oil whether or not conducted in conjunction with other included activities, repair and Maintenance of Aircraft, sale of Aircraft parts, and any other activities which, in the sole judgment of Pitkin County, the Airport Operator, because of their direct relationship to the operation of Aircraft, can appropriately be regarded as an Aeronautical Activity or service.

"Air Carrier Area" or "Air Carrier End" means the southern half of the Airport (approximately); that part of the Airport occupied and used primarily by Facilities for and operations of Scheduled Air Carriers (Parts 121 and 135) holding certificates of public necessity; the Air Carrier Area is separated from the General Aviation Area or General Aviation End of the Airport by a double yellow dashed line, divided by a solid red line at approximately A-5 on the Runway.

"Airport Land-Use Identification Plan" means an airport planning document, consisting of a map of the General Aviation Area of the Airport and supporting documentation, that contains both the existing Facilities and uses of the GA Area and proposed short-, mid- and long-term

Facilities and uses. This document is intended to be a synthesis of the elements of the Airport FAA Master Plan and the Airport Land Use Master Plan.

“Airport Land Use Master Plan” means the master plan adopted by the County pursuant to the Pitkin County land use code, public zone district, master plan option, as a pre-requisite to Airport redevelopment or further development.

“Airport Lessees, Licensees and Permittees” or “LLPs” means those Persons or Business entities holding current written agreements with the County to conduct commercial operations at or from the Airport.

“Commercial Aeronautical Activity” or “Commercial Aeronautical Service” means an Aeronautical Activity or Aeronautical Service that is provided by a Commercial Aeronautical Operator for direct or indirect compensation or consideration of any kind whatsoever including, without limitation, trade or promotional/marketing purposes.

“Commercial Operator” means a Person who, for compensation or hire, engages in the carriage by Aircraft in air commerce of Persons or property, other than as an Air Carrier or foreign Air Carrier or under the authority of FAR Part 375. Where it is doubtful that an operation is for “compensation or hire,” the test applied is whether the carriage by air is merely incidental to the Person’s other Business or is, in itself, a major enterprise for profit.

“Commercially-Reasonable Minimums” means a formal determination to be made from time to time by the Director of Aviation in his or her reasonable discretion based on a compilation, comparison and analysis of the levels and quality of aeronautical activities and services provided at similar airports in or serving similar destination resort communities.

“County Representative”. The BOCC may be represented in matters affecting the Airport by its designee, the County manager, or the County manager’s designee, the Director of Aviation or the Director of Aviation’s designee, as indicated in writing.

“Equipment” means Business or Personal property used by a Commercial Aeronautical Operator in the provision of Commercial aeronautical services or activities.

“Exclusive Right” means a power, privilege or other right excluding or declaring another from enjoying or exercising a like power, privilege or right. An Exclusive Right may be conferred either by express agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an Exclusive Right. An Exclusive Right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an Exclusive Right to occupy or use real estate, which is permitted by federal regulation under certain conditions.

“Exclusive Use” means the right of an LLP, if so provided in its agreement with the County, to occupy and/or use land areas, Buildings, Improvements and Facilities solely and to the exclusion of others for the term of such agreement, as long as the LLP is not in default thereunder, subject only to the terms and conditions set forth therein and the provisions of controlling law.

“FBO Facilities” means public-use Facilities on the Airport primarily to serve the customers of an FBO, e.g., GA terminal, main storage hangar, Maintenance and repair shop/hangar.

“FFEI” is an acronym that stands for furniture, Trade Fixtures, Equipment and inventory, but includes all Business and Personal property that is not real estate that is used by a Commercial Aeronautical Operator in revenue-producing activities.

“Fixtures,” as distinguished from Trade Fixtures, are property used by a Commercial Aeronautical Operator that are attached to real estate and are not intended to be removed upon the end of a tenancy unless otherwise agreed by the parties.

“GA Facilities” means public-use Facilities on the Airport primarily to serve general aviation Aircraft and passengers and S-FBOs, e.g., aviation Fuel farm, T-Hangars, S-FBO Facility.

“General Aviation Facilities Taxilanes” means the paved portion of the GA Area Ramp within the area leased to a FBO identified and used exclusively for the movement of Aircraft to and from the public airfield facility Taxiways to the FBO and general aviation Facilities and for internal circulation of Aircraft within those areas.

“Major Alteration” means an alteration not listed in the Aircraft, Aircraft engine, or propeller specifications that:

1. Might appreciably affect weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness; or

2. Is not done according to accepted practices or cannot be done by elementary operations.

“Permitted Services And Activities,” as defined and limited in these Minimum Standards, are those that may be maintained, conducted and provided, in any combination, at any time, within the sound Business discretion of the FBO Operator, so long as the Facilities, activities and services are provided within the footprint and structure of required Facilities.

“Preventive Maintenance” means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

“Procurement Action” means an administrative process, undertaken by the County pursuant to its procurement code, for the public solicitation and competitive selection of a provider of goods or services to the County.

“Required Services And Activities” as defined and limited in these Minimum Standards, are those that all shall be developed or maintained, conducted and provided, in aggregate, at all times, by a full-service fixed-base Operator (FBO).

“S-FBO Facility” means a separate Building containing separate Aircraft hangars, staging and Parking areas, and supporting administrative, reception and storage areas for the operation of S-FBOs.

“T-Hangars” means Buildings or temporary structures (commonly designed in a “T” configuration) and used for the storage of general aviation Aircraft on the Airport. Occupancy and use of T-Hangars is permitted only by parties who are not Commercial Aeronautical Operators.

“Trade Fixtures” means Business or Personal property used by a Commercial Aeronautical Operator that is attached to real estate but is intended to be removed upon the end of a tenancy unless otherwise agreed by the parties.

“Typical Range Of GA Aircraft Frequenting The Airport” means a formal determination to be made from time to time by the Director of Aviation in his or her reasonable discretion based on a compilation, comparison and a statistical analysis of bell curve graphs representing the following: the numbers and amounts of Fuel purchases per Aircraft type; the numbers and

landing weights of operations per Aircraft type; based Aircraft per type; overnight tiedowns, Parking and hangar storage per Aircraft type; Maintenance requests and FBO revenues per Aircraft type. (Ord. 00-47 § 1 (part), Exh. A § I(E))

#### 10.36.030: EXEMPTIONS

A. Air Carriers under an FAR Part 121 Air Carrier certificate are exempt from these Minimum Standards.

B. Flying Clubs.

1. Flying Club Regulations. Each club must be a nonprofit corporation or partnership. Each member must be a bona fide owner of the Aircraft or a stockholder in the corporation. The club may not derive greater revenues from the use of its Aircraft than the amount necessary for the actual use of operation, Maintenance and replacement of its Aircraft. The club will file and keep current with the County a complete list of the club's membership and investment share held by each member.

2. Aircraft. The club's Aircraft will not be used by other than bona fide members for rental and by no one for commercial operations. Student instruction can be given in club Aircraft to club members, provided such instruction is given by a lessee based on the Airport who provides flight training or by an instructor who shall not receive remuneration in any manner for such service.

3. Violations. In the event that the club fails to comply with these conditions the County will notify the club in writing of such violations. If the club fails to correct the violations in fifteen (15) days, the County may take any action deemed advisable.

4. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners. . (Ord. 00-47 § 1 (part), Exh. A § I(F))

All Commercial Aeronautical Operators, as defined herein, are subject to these Minimum Standards.

A prospective Operator shall submit, in written form, to the Director of Aviation, at the time of its application, the following information and, thereafter, such additional information as may be requested by the County:

A. Intended Scope of Activities. As a prerequisite to occupancy on and the granting of an operating privilege on the Airport, the prospective Operator must submit a specific, detailed description of the scope of the intended operation, and the means and methods to be employed to accomplish the contemplated operating standards and requirements, in order to provide high-quality service to the aviation and general public in the Airport air service area, including, but not limited to, the following:

1. The name, address, telephone number and primary contact Person of the Business organization entity of the applicant and the names and addresses of all management and supervisory Personnel, all officers and directors (if a corporation) and all Persons owning, holding and/or controlling any equity interest, voting rights or debt;
2. The requested date for commencement of the activity and the proposed term of conducting the same and the proposed structure and amounts of rent and/or revenue to County;
3. A comprehensive listing of all services proposed to be offered on or from the Airport and the proposed schedule of fees and charges therefor;
4. A map to scale of the amount, configuration and location of property requested or desired to be occupied;
5. The size and position of the Building space to be occupied and the proposed design and terms for the construction of any additional space and the ownership, leasing or sub-leasing thereof. An identification of any necessary or desirable capital Improvements to be constructed in conjunction with the operation and applicant's proposal for financing the same;
6. The number, type and basing of Aircraft proposed to be provided (as applicable) and/or a detailed description of all Equipment and Facilities;
7. The number of Persons proposed to be employed (including the names and qualifications of each Person), whether the employees will be Airport-based (full-time, part-time and seasonal) or transient, and the certifications required, if any, for each Person to provide a proposed Aeronautical Activity;
8. The hours of proposed operation;
9. The types and limits of insurance coverage to be maintained;
10. A listing of the federal, state and local laws, rules and regulations to which the operation is subject;
11. A plan for compliance with the Airport's management, environmental and land-use requirements, policies and goals.

B. Financial Responsibility. The prospective Operator must provide a statement, in evidence of his or her financial responsibility, from an area bank or trust company or from such other source that may be acceptable to the County and readily verified through normal banking channels. The prospective Operator must also demonstrate financial capability to initiate operations and for the construction of Improvements of the proposed operation or operations, and shall also indicate his or her ability to provide working capital to carry on the contemplated operations, once initiated.

The demonstration of financial responsibility will include a cash flow and a profit and loss projection for the first five years of the proposed operation, a three year historical profit and loss statement, if applicable, and current (within sixty (60) days) balance sheet, all compiled by a licensed Colorado Certified Public Accountant. The foregoing information must be presented in a form satisfactory to the County and will be reviewed and approved/disapproved by the County in its discretion. Information presented in this subsection will be kept confidential by the County to the extent provided by law.

C. Managerial Capacity, Business Reputation and Successful Experience. The prospective Operator shall furnish the County with a statement of its past experience in the specified services applied for, including resumes of management and supervisory Personnel directly

responsible for the proposed operation, together with Business, financial and managerial references. The foregoing information must be presented in a form satisfactory to the County and will be reviewed and approved/disapproved by the County in its discretion. Information presented in this subsection will be kept confidential by the County to the extent provided by law.

D. Business Organization. Description of organization and history of Business entity of applicant, including listing of all Persons holding ownership, control, management, supervisory or financing debt interest. Information presented in this subsection will be held confidential to the extent provided by law.

E. Familiarity With and Demonstrated Compliance with These Minimum Standards and Incorporated Laws, Regulations and Policies. The prospective Operator shall demonstrate that the proposed operation or activities meets or exceeds the County's Airport operational, financial, management, land-use, environmental and social policy goals.

F. Bonding and Insuring Capacity. The prospective Operator shall provide evidence in a form acceptable to the Pitkin County attorney of its ability to supply a performance bond in the amount equal to ten (10) percent of the annual rental and/or fees established and agreed upon, for conducting the services to be provided (cash may be deposited in lieu of a performance bond) and required insurance. Additional and supplemental information may be required by the County in a formal competitive selection process. (*Ord. 00-47 § 1 (part), Exh. A § I(B)*)

G. In response to any application to provide a Commercial Aeronautical Service at the Airport that has not been denied pursuant to Section 10.36.050 and prior to the issuance of any lease, license or permit pursuant to Section 10.36.060, the County shall issue a Request for Proposals in a manner consistent with the then-current County procurement code to determine whether any other entity is interested and qualified to perform the same or similar Commercial Aeronautical Service. The County shall accept responses for a reasonable time period so as not to unreasonably delay consideration of the first application. Upon receipt of one or more responses to the Request for Proposals, the County shall choose from among the applicants and select the Commercial Aeronautical Operator that proposes to provide the highest level and quality of products and services to aeronautical users of the Airport.

10.36.050 Grounds for denial of application.

The Director of Aviation reserves the right (and the applicant by submitting an application hereunder confirms and acknowledges that right) to conduct investigations into the completeness and accuracy of the material provided and may deny any application, if in his or her opinion, he or she finds any one or more of the following:

A. The applicant for any reason does not meet fully the qualifications, standards, and requirements established herein. The burden of proof of compliance shall be on the prospective Operator and the standard of proof shall be by clear and convincing evidence;

B. The applicant's proposed operation or construction will create a safety hazard on the Airport;

C. The granting of the application will require the Airport to spend funds or to supply labor or materials in connection with the proposed operation and such funds are not available or budgeted, or the operation will result in a financial loss to the Airport;

D. No appropriate, adequate or available space or Building exists at the Airport which would accommodate the entire activity of the applicant at the time of application, nor is contemplated within a reasonable time thereafter; or the County does not have available or have budgeted appropriate funds to construct any infrastructure necessary to support the desired activity;

E. The proposed operation or Airport development or construction does not comply with the master plan of the Airport or Airport Layout Plan then in effect;

F. The development or use of the area requested by the applicant will result in a congestion of Aircraft or Buildings or will result in unduly interfering with the operations of any present Operator on the Airport, relating to problems with Aircraft service and/or prevent free access to the leased area of the Operator(s);

G. Any party applying or interested in the Business has either intentionally or unintentionally misrepresented or omitted any material fact in the application or in supporting documents;

H. Any party has failed to make full disclosure on the application or on supporting documents;

I. Any party applying or interested in the Business has a record of violating the rules and regulations of any other airport or civil air regulations, FAA regulations, or any other rules and regulations applicable to the Airport;

J. Any party applying or interested in the Business has defaulted in the performance of any lease or any other agreement with the County or the Airport;

K. On the basis of current financial information, the applicant does not, in the discretion of the Director of Aviation, exhibit adequate financial responsibility to undertake the project;

L. The party applying or interested in the Business cannot provide a performance bond or applicable insurance in the amounts and types required by the Airport for that Commercial Aeronautical Activity; or

M. Any party applying or interested in the Business has been convicted of any felony or of a misdemeanor involving moral turpitude.

N. The party applying or interested in the Business has requested terms of a lease, license or permit that are below the minimum requirements contained in this Division II for the Commercial Aeronautical Service or requested to pay fees, rates and charges that are below the fees, rates and charges for the proposed service or activity set forth in Division I of this Title.

A party who has been denied a commercial permit hereunder has a right to appeal the Director of Aviation's decision under Sections 5-101 of the procurement code, as amended.

Nothing contained herein shall prohibit the Director of Aviation from granting or denying, for any reason he or she deems sufficient, an application to do Business on the Airport for the purpose of selling, furnishing, or establishing nonaviation products supplied for any service or Business of a nonaeronautical nature, or an application for the non-profit use of an Airport facility. *(Ord. 00-47 § 1 (part), Exh. A § I(C))*

#### 10.36.060: GRANTING OF LEASES, LICENSES OR PERMITS FOR USE OR OCCUPANCY OF GA AREA PROPERTY FOR COMMERCIAL PURPOSES

A. It is the intent of the County to plan, manage, operate, finance and redevelop or further develop the Airport for the long-term financial health of the Airport consistent with accepted

Airport management and development practices, reasonable commercial aeronautical practices, Pitkin County land use and environmental policies and regulations, and applicable federal and local policies and regulations. To this end, all applicants to perform Commercial aeronautical services and activities on the Airport shall be accorded a fair and reasonable opportunity, without unlawful discrimination, to qualify and to compete, to occupy available Airport property and Facilities and to provide or conduct appropriate aeronautical services or activities; subject, however, to the Minimum Standards and requirements as established by the County as set forth in this division.

B. In all cases where the words “standards” or “requirements” appear, it shall be understood that they are modified by the word “minimum” except where a “maximum” is clearly identified. Determinations of minimum shall be from the Airport’s point of view as an Airport owner, proprietor, lessor, licensor or permittor. All Operators will be encouraged to exceed the minimum in terms of quality of Facilities or services. No Operator will be allowed to occupy area or conduct activities under conditions less than the minimum, unless expressly waived in writing by the County.

C. Contingent upon its: (1) pre-qualification; (2) demonstrated compliance or plan for compliance with the established Minimum Standards (including incorporated laws, regulations and policies); (3) success in a competitive selection (procurement) action and/or a land-use application and approval process, if required; (4) execution of a written lease, license or permit agreement with the County; (5) satisfactory performance of its obligations under that agreement, including the payment of prescribed rentals, fees and charges; and (6) compliance with all applicable federal requirements, (i.e., Airline, Aircraft and flight crew certifications), an approved Commercial Aeronautical Operator shall have the right and privilege of occupying Airport Facilities and engaging in and provision or conduct of the services or the activity or an aggregate of activities on the Airport as specified therein.

The granting of such right and privilege, however, shall not be construed in any manner as affording the Operator any Exclusive Right of use of the premises and Facilities and the Airport, other than those premises which may be leased exclusively to it, and then only to the extent provided in a written lease, license or permit.

D. The County reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state and local laws, ordinances, codes, Minimum Standards and other regulatory measures pertaining to such use. The County further reserves the right to designate the specific Airport areas in which the individual, or an aggregation of, aeronautical services and activities may be conducted in accordance with the current adopted Airport Layout Plan. Such designation shall give consideration to the nature and extent of the operation and the lands and Improvements available for such purpose, consistent with the orderly and safe operation of the Airport.

E. Commercial Aeronautical Operators shall be required to comply with all TSA regulations, rules, directives and orders as set forth in Parts 1542 of Title 49 of the Code of Federal Regulations, as amended, if amended, or as issued in writing or verbally by any authorized TSA Employee, including, for example and without limitation, current requirements for security assessments for flight school students and any future security requirements applicable to general aviation.

F. County Airport Planning Policy. The County acknowledges that a number of difficulties in the operation and redevelopment of the Airport and planning for further development have been caused by a lack of and/or a deferral of long-term planning. Historically, the Airport has both operated, planned and developed in two separate halves: The “Air Carrier End” and the “General Aviation End” (or “GA Area”).

With respect to the GA Area, which is the subject of these Minimum Standards, the County adopts a policy to plan and to redevelop (or further develop) the Airport, to the greatest extent possible, in planning periods with five-year increments, for several reasons: to co-ordinate with FAA grant planning, Airport CIP and financial planning and Air Carrier rate-making; to permit the impacts and implications of one redevelopment or further development project to be recognized, calculated and, if possible, absorbed before embarking on another project; and to phase growth in airport Facilities, capacity and Traffic in amounts commensurate with the Airport’s ability to maintain its professional operating standards in terms of infrastructure and staff.

**10.40: MINIMUM AGGREGATION OF FACILITIES, ACTIVITIES AND SERVICES TO QUALIFY AS A FIXED-BASE OPERATOR (FBO)**

Sections:

- 10.40.010 CLASSIFICATIONS DESIGNATED
- 10.40.020 REQUIRED FACILITIES, ACTIVITIES AND SERVICES
- 10.40.030 PERMITTED FACILITIES, ACTIVITIES AND SERVICES
- 10.40.040 ADDITIONAL FACILITIES, ACTIVITIES AND SERVICES

10.40.010: CLASSIFICATIONS DESIGNATED

The County classifies and aggregates Facilities, activities and services subject to these Minimum Standards as required, permitted and additional.

A. Required Facilities, activities and services, as defined and limited in these Minimum Standards, all shall be developed or maintained, conducted and provided, in aggregate, at all times, by a full-service FBO.

B. Permitted Facilities, activities and services, as defined and limited in these Minimum Standards, each may be maintained, conducted and provided, in any combination, at any time, within the sound Business business discretion of the full-service FBO Operator, so long as the Facilities, activities and services are provided within the foot-print and structure of required Facilities.

C. Additional Facilities, services and activities, as defined and limited in the Minimum Standards, all may not be developed or maintained, conducted, provided and/or offered on or from the Airport without prior, separate application under these Minimum Standards and all reviews and approvals thereunder. *(Ord. 00-47 § 1 (part), Exh. A § II (part))*

#### 10.40.020: REQUIRED FACILITIES, ACTIVITIES AND SERVICES

The following Facilities, activities and services, as limited and defined in these Minimum Standards, are determined to be “required”:

- A. FBO Facilities.
  - 1. General Aviation Terminal.
    - a. A Building of exactly five thousand (5,000) square feet of commercial floor area, including:
      - i. Customer service counter;
      - ii. Customer lounge/restrooms;
      - iii. Flight plan room;
      - iv. Crew lounge/restrooms;
      - v. Administrative offices.
    - b. At the option of the FBO, a maximum of one thousand (1,000) square feet may be subleased to S-FBOs.
  - 2. Clear-Span Hangar.
    - a. A Building of exactly fourteen thousand four hundred (14,400) square feet of commercial floor area with a minimum clear-span height of twenty (20) feet.
    - b. At the option of the FBO, a maximum of four thousand eight hundred (4,800) square feet may be subleased to S-FBOs.
  - 3. Maintenance Hangar/Shops.
    - a. A Building of exactly five thousand (5,000) square feet of commercial floor area.
    - b. At the option of the FBO, a maximum of one thousand (1,000) square feet may be subleased to S-FBOs.
  - 4. GA Aircraft Ramp Areas/GA Parking Areas/GA Aircraft Circulation and Staging Areas. An uncovered, paved area of two hundred eighty thousand (280,000) (est.) square feet.
  - 5. Tie-Down Area.
    - a. An uncovered, paved area of twenty-two thousand (22,000) square feet with a minimum of thirty (30) spaces;
    - b. Adequate tie-down anchors and hard-ware.
  - 6. Motor Vehicle Parking. Sixty (60) standard-size paved, uncovered Parking spaces and adequate circulation areas.
- B. GA Facilities.
  - 1. Aviation Fuel Farm.
    - a. Three twenty thousand (20,000) gallon Jet A tanks;
    - b. One twenty ten thousand (210,000) gallon Avgas tank;
    - c. Leak detection and spill control Equipment and Facilities.
  - 2. De-Icing Facilities.
    - a. Reclaim pad and Equipment;
    - b. De-ice fluid tanks;
    - c. Equipment to apply heated fluid.
  - 3. Security fencing, lighting and gates associated with exclusive areas in compliance with 49 C.F.R. Part 1542, as it may be amended in the future.

- C. Aircraft Services and Activities.
  - 1. Fueling and Lubricating.
    - a. Jet A;
    - b. Avgas.
  - 2. Aircraft Line Services.
    - a. Ground Traffic direction and control, Parking and tie down;
    - b. Loading, unloading and towing;
    - c. Ground/auxiliary power unit (GPU/ APU);
    - d. Oxygen;
    - e. Pre-heat;
    - f. De-icing;
    - g. Hangar space rental;
    - h. Battery and electrical service;
    - i. Tire inflation and service;
    - j. Landing gear inflation (nitrogen);
    - k. Aircraft cleaning, interior and exterior;
    - l. Aircraft waste disposal;
    - m. Potable water.
  - 3. Minor Aircraft airframe and engine Maintenance, Preventive Maintenance, re-Building and alterations; incidental parts and accessories.
  - 4. General Aviation Customer Services.
    - a. Ground transportation (FBO courtesy van);
    - b. Food/beverage vending;
    - c. Baggage porter services;
    - d. Incidental sale of flight-related accessories (charts, books, lights, plotters, hand-held flight computers, etc.);
    - e. Concierge services.
  - 5. Flight Services.
    - a. Flight school and ground school (FAR Part 61);
    - b. Air Taxi/Charter (FAR Part 135) utilizing Aircraft with no more than thirty (30) passenger seats;
    - c. Aircraft rental;
    - d. Aircraft management.
  - 6. Service to the local aviation community, including:
    - a. Mountain/air rescue;
    - b. Civil air patrol (CAP);
    - c. Local aeronautical clubs (EAA, 99s).
- D. Provision of required Facilities, activities and services by S-FBOs as sublessees (not assignees):

Generally, and as limited in these Minimum Standards, S-FBOs are encouraged to be tenants of FBOs and to share space and Facilities. The Airport will consider requests for reduction in totaled minimum square-footage requirements for combined operations (i.e., an S-FBO tenant need not duplicate Facilities such as restrooms, customer lounge, etc., if its sublease includes

the right to use the FBO's Facilities.) All FBO/S-FBO subleases are subject to the prior express written consent of the Board of County Commissioners. (Ord. 00-47 § 1 (part), Exh. A § II(A))

E. Hours of Operation. All Facilities open the public operated by any FBO and FBO/S-FBO subleases shall remain open for a minimum of eight hours each day between 6 a.m. (local time), seven days each week and shall remain open until at least 9 p.m. (local time) or the time of the last scheduled Airline operation, seven days each week.

#### 10.40.030: PERMITTED FACILITIES, ACTIVITIES AND SERVICES

The following Facilities, activities and services, as defined and limited in these Minimum Standards, are determined to be "permitted":

A. FBO Facilities.

1. Within existing required GA terminal: underground Motor Vehicle Parking.
2. Aircraft tie-down area: an uncovered, paved area of twenty-two thousand (22,000) to fifty-five thousand (55,000) square feet with thirty (30) to fifty (50) spaces.

B. GA Facilities.

1. T-Hangar Facility. Construction of a facility of exactly five thousand (5,000) square feet, consisting of four separate one thousand two hundred fifty (1,250) square foot bays. Includes support Facilities.

2. S-FBO Facility. Construction or provision of a facility, maximum of five thousand (5,000) square feet configuration of office vs. hangar space to be determined. Includes support Facilities.

C. Services.

1. Fueling and lubricating: Motor Vehicle Fuel (incidental to on-Airport aeronautical uses).
2. Line services: Aircraft waxing/detailing.
3. Aircraft airframe and engine Maintenance, preventative Maintenance, rebuilding and alterations in excess of these required, provided that:
  - a. Such permitted activities are incidental to Required Services and Activities; and
  - b. Such permitted activities do not add to Airport impacts, in excess of required activities, in the areas of noise, Traffic or hazardous materials or other potential environmental degradation.
4. Customer services:
  - a. Catering/snack bar (limited kitchen Facilities);
  - b. Agent for on-airport rental car Operator(s);
  - c. Courtesy phone system.
5. Flight services:
  - a. Medical air transportation;
  - b. Aerial photo/survey/mapping;
  - c. Air freight;
  - d. Sightseeing flights.
6. Services to Air Carriers:
  - a. Fueling;
  - b. Ground handling;
  - c. Baggage handling.

7. Management of S-FBO Facility.
8. Management of T-hangar facility.
9. Management of de-ice facility.
10. Fuel farm operation and management.
11. Sublease to S-FBOs:
  - a. Air Taxi/Charters utilizing Aircraft with no more than thirty (30) passenger seats;
  - b. Balloons;
  - c. Gliders;
  - d. Air freight/express mail.
12. New/used Aircraft sales and brokering.
13. Aircraft insurance sales. (Ord. 00-47 § 1 (part), Exh. A § II(B))

#### 10.40.040: ADDITIONAL FACILITIES, ACTIVITIES AND SERVICES

The following Facilities, activities and services, as defined in these Minimum Standards, are determined to be “additional”:

##### A. FBO Facilities.

1. General aviation terminal space in excess of five thousand (5,000) square feet of commercial floor area; or the following uses:

- a. Restaurant (full kitchen);
- b. Gift shop;
- c. Executive conference rooms.

2. Clear-span hangar space in excess of fourteen thousand four hundred (14,400) square feet of commercial floor area.

3. Maintenance hangar/shop space in excess of five thousand (5,000) square feet of commercial floor area.

4. Paved, uncovered Aircraft area in excess of two hundred eighty thousand (280,000) square feet (est.).

5. Tie-down area in excess of fifty-five thousand (55,000) square feet or fifty (50) spaces.

6. Paved, uncovered Motor Vehicle Parking in excess of sixty (60) standard size spots (or covered, secured Motor Vehicle Parking).

##### B. GA Facilities.

1. S-FBO or T-Hangars in numbers, types or square footage in excess of those permitted above.

2. Executive Aircraft storage hangars.

3. Airport or aviation-related office space in excess of that required or permitted above or for non-FBO or non-S-FBO purposes.

##### C. Services.

1. Fueling and lubricating.

2. Line services: all services not expressly defined as “required” or “permitted” in this chapter.

3. Major airframe/engine repair and inspection including, without limitation:

- a. Airframe/engine repair;

- b. Avionics inspection/repair/sales;
- c. Aircraft refurbishment/painting;
- d. Propeller shop;
- e. All services not expressly defined as “required” or “permitted” in this chapter.
- 4. Customer services:
  - a. Full service restaurant;
  - b. All services not expressly defined as “required” or “permitted” in this chapter.
- 5. Flight services:
  - a. Air Carrier operation requiring certificate of public convenience and necessity;
  - b. Air Taxi/Charter operation utilizing any Aircraft with more than thirty (30) passenger seats;
  - c. Banner and aerial advertising;
  - d. All services not expressly defined as “required” or “permitted” in this chapter.
- 6. Unclassified services:
  - a. Military Aircraft Fueling/handling contract services;
  - b. For-profit capital investment/development for third parties.
- D. All other Facilities, activities and/or services not expressly defined as “required” or “permitted” in this chapter. (Ord. 00-47 § 1 (part), Exh. A § II(C))

**10.44: MINIMUM STANDARDS AND REQUIREMENTS FOR INDIVIDUAL AERONAUTICAL SERVICES AND ACTIVITIES FOR COMMERCIAL AERONAUTICAL OPERATORS**

Sections:

- 10.44.010 LISTING OF AERONAUTICAL ACTIVITIES AND SERVICES.
- 10.44.020 COMMON STANDARDS.
- 10.44.030 COMPLIANCE WITH MINIMUM STANDARDS FOR EACH AERONAUTICAL ACTIVITY OR SERVICE REQUIRED.
- 10.44.040 AIRCRAFT FUELING AND LUBRICATING.
- 10.44.050 AIRCRAFT LINE SERVICES.
- 10.44.060 MINOR AIRCRAFT AIRFRAME AND ENGINE INSPECTION, MAINTENANCE AND REPAIR—INCIDENTAL PARTS AND ACCESSORIES.
- 10.44.070 GENERAL AVIATION CUSTOMER SERVICES
- 10.44.080 AIR TAXI/CHARTER
- 10.44.090 FLIGHT TRAINING
- 10.44.100 AIRCRAFT RENTAL

- 10.44.110 AIRCRAFT MANAGEMENT
- 10.44.120 SPECIALIZED COMMERCIAL FLYING SERVICES
- 10.44.130 SERVICES TO AIR CARRIERS
- 10.44.140 MANAGEMENT OF S-FBO FACILITY—PROVISION OF SUBLEASE SPACE TO S-FBOS.
- 10.44.150 MANAGEMENT OF T-HANGAR FACILITY
- 10.44.160 MANAGEMENT OF DE-ICE FACILITY
- 10.44.170 FUEL FARM OPERATION AND MANAGEMENT
- 10.44.180 SERVICES TO LOCAL AVIATION COMMUNITY
- 10.44.190 MAJOR AND SPECIALIZED AIRCRAFT AIRFRAME AND ENGINE REPAIR SERVICES (RADIOS, PAINTING, UPHOLSTERY, PROPELLERS, INSTRUMENTS AND ACCESSORIES)
- 10.44.200 AIRCRAFT SALES (NEW AND/OR USED)

10.44.010: LISTING OF AERONAUTICAL ACTIVITIES AND SERVICES

The following aeronautical activities or services, as further defined herein, are determined to be commercial aeronautical activities and may be provided, as limited herein, by Commercial Aeronautical Operators at the Airport:

- A. Aircraft Fueling and lubricating;
- B. Aircraft line services;
- C. Minor Aircraft airframe and engine inspection, Maintenance and repair; incidental parts and accessories;
- D. General aviation customer services;
- E. Air Taxi/Charter;
- F. Flight training;
- G. Aircraft rental;
- H. Aircraft management;
- I. Specialized commercial flight services;
- J. Services to Air Carriers;
- K. Management of S-FBO Facility;
- L. Management of T-hangar facility;
- M. Management of de-ice facility;

- N. Fuel farm operation and management;
- O. Services to the local aviation community;
- P. Major and specialized Aircraft airframe and engine repair services (radios, painting, upholstery, propellers, instruments, accessories, etc.);
- Q. Aircraft sales (new and/or used). (Ord. 00-47 § 1 (part), Exh. A § III(A))

#### 10.44.020: COMMON STANDARDS

A. With respect to each individual activity or service described hereinbelow, the following requirements shall be incorporated by reference within the respective referenced subsections for each activity or service:

1. Commercial Services and Activities. An Operator shall provide the services or activities described in the respective section hereinbelow (including the availability for sale of any products or materials inherent in the provision of such services or activities and the provision of capital Improvements, Equipment and Personnel to the scope of services/standards and certifications described below) to or for the benefit of general aviation Aircraft to at least the minimum levels or amounts described hereinbelow or, if greater, to the levels or amounts that are the Commercially-Reasonable Minimums to serve the Typical Range Of GA Aircraft Frequenting The Airport.

2. Capital Improvements. An Operator shall develop, construct and/or install (or, with respect to existing Improvements, secure the right to occupy and use such Improvements as an airport LLP), the capital Improvements described herein below, including Buildings and associated Facilities.

Such capital Improvements shall be built or installed to development standards established by the County and maintained to professional standards.

Such capital Improvements shall be on land owned by the County and subject to an LLP agreement with the County under terms and conditions standard for the classification of LLP and rental rates that are at the greater of: a minimum rent/fee structure established by the annual airport rate-making process or the then-current market rates/fees established by Procurement Action.

3. Equipment. At all times that an Operator is required or permitted to provide the activity or service described herein, it shall provide the Equipment described, which Equipment shall be of modern design and in a well-maintained, first-class operating condition.

4. Scope of Services/Standards. At all times that an Operator is required or permitted to provide the activity or service described herein, it shall provide the activity or service under the terms or to the levels and amounts described herein. All activities and services hereunder shall be provided in a safe, professional and environmentally-responsible manner.

5. Personnel. At all times that an Operator is required or permitted to provide the activity or service described herein, it shall provide well-trained and properly supervised Personnel who conduct themselves at all times in a safe, courteous and business-like manner and shall be provided in numbers and with certifications under the terms or to the levels described herein.

6. Certifications. At all times that an Operator is required or permitted to provide the activity or service described herein, it shall provide the appropriate licenses and/or certificates under the

terms or to the levels described herein for the applicable Personnel, Facilities, activities or services.

7. Insurance. At all times that an Operator performing services under this category, the Operator shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC), and any additional coverages or amounts as specified below.

B. Duplication of Standards for Subleases. All Minimum Standards and requirements for all individual activities and services must be maintained at all times by individual Operators. However, whenever an S-FBO is subleasing FBO space, the County will consider, upon prior express written application from the S-FBO and FBO, a request to reduce the standards and requirements if the strict application of the standards and requirements would result in an unnecessary duplication of Facilities or services. Any such reduction must be supported by a sublease in which the FBO continues to be primarily liable to the County for compliance with the Minimum Standards. All such subleases must receive prior express written approval from the Board of County Commissioners. (Ord. 00-47 § 1 (part), Exh. A § III(B))

#### 10.44.030: COMPLIANCE WITH MINIMUM STANDARDS FOR EACH AERONAUTICAL ACTIVITY OR SERVICE REQUIRED

With respect to each of the individual aeronautical activities or services, a Commercial Aeronautical Operator shall meet the following Minimum Standards and requirements for each activity or service, as set out in the following sections. To the extent that an Operator can be classified under more than one category (for example, a flight school that also rents Aircraft), that Operator must comply with the more restrictive or demanding standards. (Ord. 00-47 § 1 (part), Exh. A § III(C)(part))

#### 10.44.040: AIRCRAFT FUELING AND LUBRICATING

A. Commercial services and activities: Aircraft Fueling and lubricating.

B. Capital Improvements:

1. Underground storage tanks (USTs) or above-ground storage tanks (ASTS); five storage tanks maximum aggregate capacity one hundred twenty-five thousand (125,000) gallons, not to exceed twenty-five thousand (25,000) gallons in any one tank, with at least one tank dedicated to Avgas; in compliance with all applicable federal, state, and local laws and regulations including permanent-type installation, leak detection system installation, and spill containment measures;

2. Associated concrete approaches and Parking areas designed, constructed and maintained to support the typical tanker Trucks and required dispensing Trucks servicing the facility;

3. Associated collision guards, fences, lighting and other security Improvements;

4. Associated Facilities for the storage and handling of lubricants.

C. Equipment:

1. One metered filter-equipped dispenser, fixed or mobile, for each grade of aviation Fuel;

2. Late-model mobile Fuel dispensing Trucks in sufficient numbers to have a total of two thousand two hundred (2,200) gallon capacity for each grade or brand of Jet A and seven hundred fifty (750) gallon capacity for each grade or brand of Avgas, with reliable marking devices approved by the Federal Aviation Administration;

3. Electrical grounding Facilities at Fueling locations to eliminate the hazards of static electricity;

4. Approved types of fire extinguishes or other Equipment commensurate with the hazard involved with Fueling, defueling, and servicing Aircraft.

5. Facilities to change engine oil and properly store and recycle the used oil.

D. Scope of Services/Standards.

1. The sale and into-plane delivery of aviation Fuels, lubricants and other related petroleum products to general aviation Aircraft shall be available from six a.m. to eleven p.m. every day of the calendar year.

2. Operator shall maintain an adequate inventory of at least one brand and two generally accepted grades of aviation Fuel (Jet A and one hundred (100) octane low-lead Avgas), engine oil and lubricants. The Operator shall demonstrate, to the satisfaction of the County, a written, long-term, commercially reasonable agreement with a reputable national-brand aviation gasoline and lubricant distributor to permit the Operator to purchase Fuel and oil for resale in such quality and quantities as are necessary to meet the requirements set forth herein.

3. Fuel delivered shall be clean, bright, pure and free of microscopic organisms, water or other contaminants. Quality control of the Fuel is the responsibility of the FBO. The Operator shall maintain current Fuel reports of the quality of Airline standards on file and available for auditing at anytime by the Director of Aviation, or the Federal Aviation Administration.

4. The sale of Fuel and lubricants and the provision of related services shall be conducted in a safe and environmentally-responsible manner at all times.

E. Personnel: two line service Personnel.

F. Certifications.

1. Line service Personnel providing this activity of service shall be trained including current certification, for Fueling, defueling, quality assurance, fire safety, and hazardous material handling as required by federal, state and local government.

2. All Fueling services and systems shall be subject to inspection for fire and other hazards by the Director of Aviation or other representative of Pitkin County and the appropriate state and local fire agency. Operator shall meet all applicable fire codes: federal, state and local laws statutes, ordinances, rules and regulations pertaining to fire safety, including proper fire protection, electrical grounding and fire suppression.

3. Operator shall administer its Equipment and Facilities to comply with the spill control and containment plan.

G. Insurance. Insurance provided for this activity or service shall include the coverages required on Exhibit A, attached to the ordinance codified in this chapter and incorporated herein

by this reference, and, in addition the following types and amounts. (Ord. 00-47 § 1 (part), Exh. A § III(C)(1))

#### 10.44.050: AIRCRAFT LINE SERVICES

A. Commercial services and activities:

1. Ground Traffic direction and control;
2. Parking/tie-down/hangar storage, over-night and long-term;
3. Loading, unloading and towing;
4. De-icing services;
5. Engine pre-heating;
6. Oxygen;
7. Starting (GPU/APU);
8. Tire inflation and repair;
9. Battery and electrical service;
10. Dry nitrogen for landing gear inflation;
11. Cleaning; interior and exterior;
12. Waste disposal;
13. Potable water.

B. Capital Improvements. Operator will provide a hangar of fourteen thousand four hundred (14,400) square feet of interior floor area.

C. Equipment.

1. Ground Traffic Direction and Control.
2. Parking/Tie-Down/Hangar Storage, Overnight and Long-Term. Operator shall provide a minimum of thirty (30) tie-down Facilities and Equipment, including ropes, chains and other types of restraining devices, and wheel chocks. Operator shall provide a minimum of fourteen thousand four hundred (14,400) square feet for Aircraft hangar storage.
3. Loading, Unloading and Towing. FBO shall provide adequate loading, unloading and towing Equipment to safely and efficiently load and unload passengers and baggage and move Aircraft weighing up to one hundred thousand (100,000) lbs.
4. De-icing services: two (2) mobile de-icing units capable of a five-gallon-per-minute disbursement of heated agent.  
A de-ice pad adequate in size to service the typical general aviation Aircraft frequenting the Airport and capable of the containment and recycling of de-ice fluids.
5. Engine pre-heating: two mobile units capable of pre-heating the typical reciprocating engine general aviation Aircraft frequenting Airport.
6. Oxygen: a minimum supply of one thousand eight hundred fifty (1,850) pounds of compressed aviation oxygen with appropriate filling Equipment.
7. Starting (GPU/APU): two one thousand five hundred (1,500) amp auxiliary power units for Aircraft starting.
8. Tire inflation and repair: must provide the minimum Equipment necessary to service the typical general aviation Aircraft frequenting the Airport.

9. Battery and electrical service: must provide the minimum Equipment necessary to service the typical general aviation Aircraft frequenting the Airport.

10. Dry nitrogen bottle for landing gear inflation: must provide the minimum Equipment necessary to service the typical general aviation Aircraft frequenting the Airport.

11. Cleaning, interior and exterior: must provide the minimum Equipment necessary to service the typical general aviation Aircraft frequenting the Airport.

12. Waste Disposal. Operator shall provide the necessary Equipment for discharge/replacement of fifty (50) gallons of lavatory waste water. Operator shall provide necessary Equipment for the adequate and sanitary handling, temporary storage and permanent disposal, away from the Airport, of all trash, waste and other materials, including but not limited to used oil, solvents, and other waste. The nontemporary piling or storage of crates, boxes, barrels and other containers will not be permitted within the lease premises.

13. Potable Water. Operator shall provide approved Equipment for discharge/replacement of potable water systems.

D. Scope of Services/Standards.

1. These services shall be available from six a.m. to eleven p.m., every day of the calendar year.

2. The provision of line services shall be conducted in a safe and environmentally-responsible manner at all times.

E. Personnel: two line Personnel.

F. Certifications: line service Personnel certification in fire safety and hazardous material handling as required by federal, state and local law or regulation.

G. Insurance. Insurance provided for this activity or service shall be in types, amounts and form enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners. (Ord. 00-47 § 1 (part), Exh. A § III(C)(2))

#### 10.44.060: MINOR AIRCRAFT AIRFRAME AND ENGINE INSPECTION, MAINTENANCE AND REPAIR—INCIDENTAL PARTS AND ACCESSORIES

A. Commercial services and activities: minor Aircraft airframe and engine inspection, Maintenance and repair; incidental parts and accessories.

B. Capital Improvements: a Building of exactly five thousand nine hundred (5,900) square feet of interior floor area.

C. Equipment: sufficient Equipment, supplies and parts to acquire and maintain certification as an FAA-approved repair station.

D. Scope of Services/Standards. Operator shall provide Minor Repairs, inspections and preventative Maintenance as defined in FAR Part 43, as amended, as follows:

1. These services shall be available for a total of eight hours daily, at the commercially-reasonable discretion of the Operator, during the period from six a.m. to eleven p.m., every day of the calendar year;

2. The Operator shall have on duty during the required operating hours at least one Person that is an employee of the Operator and currently certified by the Federal Aviation

Administration with rating appropriate to the work being performed and who holds an airframe and power plant (A & P), and an Aircraft inspector rating; and at all other times the Airport is open, the Operator shall have on-call (within sixty (60) minutes notice) at least one Person currently certified A & P by the FAA;

3. Sufficient work space for any Aircraft upon which airframe or engine repairs are being performed;

4. Suitable storage space for Aircraft before and after repair and Maintenance have been accomplished;

5. Adequate shop space to house the Equipment and adequate Equipment and machine tools, jacks, lifts and testing Equipment as required for Maintenance be performed on general Aircraft;

6. Sufficient availability of parts equivalent to that required for certification as an FAA approved general purpose repair station.

E. Personnel: one Person currently certified by the Federal Aviation Administration with ratings appropriate to the work being performed.

F. Certifications: as referenced in subsection (D)(2) of this section.

G. Insurance. Insurance provided for this activity or service shall be in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners, and, in addition the following types and amounts:

1. Aircraft liability;

2. Hangar keeper's liability, including taxiing, as applicable. (Ord. 00-47 § 1 (part), Exh. A § III(C)(3))

H. Nothing herein is intended to preclude the owner of any Aircraft or his or her employees from maintaining or repairing such Aircraft or subject an owner performing maintenance or repairs to comply with this section. Any Commercial Aeronautical Operator that is not an employee of an Aircraft owner shall comply with this section.

#### 10.44.070: GENERAL AVIATION CUSTOMER SERVICES

A. Commercial services and activities:

1. Customer services;

2. Pilot flight planning Facilities;

3. Pilot and crew services;

4. Administrative services;

5. Ground transportation services;

6. Food/beverages services;

7. Baggage porter services;

8. Concierge services;

9. Motor Vehicle Parking.

B. Capital Improvements. Operator shall construct a general aviation terminal of exactly five thousand (5,000) square feet of commercial floor area, including:

1. Customer service counter: an area for the efficient transaction of Aircraft line service, customer service and crew service requests;
2. Customer lounge/restrooms: convenient, clean and attractive lounge area and restrooms;
3. Pilot flight planning Facilities: flight planning Facilities including wall charts, table surfaces, telephone service, and computerized weather data service;
4. Pilot and crew lounge/restrooms: lounge and restroom Facilities;
5. Administrative offices: on-site offices for FBO management.

C. Equipment:

1. Unicom radio system;
2. Computer systems necessary to support the following functions:
  - a. Point-of-sale ability,
  - b. Accounts payable,
  - c. Weather data/flight planning;
3. Fax machines necessary to support the following functions:
  - a. Communication with FBO,
  - b. For use by customers/crew;
4. Telephones necessary to support the following customers and crew usage;
5. Two late-model courtesy Vehicles for Pilot and crew use; minimum seating of four passengers/Vehicle;
6. One Vehicle to move passengers/baggage between Aircraft and GA terminal and Motor Vehicle Parking;
7. One late-model courtesy Vehicle with Driver; minimum seating of six (6) passengers with baggage.

D. Scope of Services/Standards. The following services shall be available from six a.m. until eleven p.m., every day of the calendar year.

1. Administrative Services. Operator will provide, at a minimum, a FAX machine service and an accounts payable service for FBO accounts.

2. Ground transportation services: from the Airport to final destination of those Persons flying into the Airport, including a courtesy Vehicle service.

3. Food/beverage service: food and beverage vending machines and availability of catering service.

4. Porter Services. Operator shall provide or arrange for the provision of porter services to/from Aircraft and Vehicles. Porter services must be available with sufficient staffing to porter baggage to/from Aircraft to ground Vehicles at a level required to meet demand during peak periods.

5. Sale of Pilot and aviation accessories: maps, flashlights, batteries, rulers and computers generally used by Pilots for flight planning; flight training textbooks; and other miscellaneous Pilot supplies.

6. Concierge Services. Operator shall provide or arrange for the provision of concierge services for its customers, including scheduling and arrangements for lodging accommodations, limo, taxi, rental car, dinner reservations, and catering, etc.

7. Motor Vehicle Parking: A minimum of sixty (60) hard surfaced, on-site auto Parking space with suitable accommodations for automobiles, and a paved Aircraft apron, all within the leased

area sufficient to accommodate the Operator's permitted activities and operations shall be provided.

E. Personnel: One counter Person.

F. Certifications: training in customer service.

G. Insurance. Insurance provided for this activity or service shall be in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners. (Ord. 00-47 § 1 (part), Exh. A § III(C)(4))

#### 10.44.080: AIR TAXI/CHARTER

A. Commercial services and activities: Air Taxi/Charter.

B. Capital Improvements:

1. Office space of one hundred fifty (150) square feet of floor space for storage, office, restrooms, customer lounge and telephone Facilities for customer use;

2. Asphalt or cement-paved surfaced, on-site auto Parking space with suitable accommodations for automobiles;

3. A paved Aircraft apron all within the leased area and sufficient to accommodate the Operator's activities and operations shall also be provided.

C. Equipment. Aircraft to be utilized shall be no less than one airworthy Aircraft suitably equipped for meeting all the requirements of the FAA with respect to the type of operation to be performed.

D. Scope of Services/Standards. The Operator shall have these services available from six a.m. to eleven p.m. every day of the calendar year.

E. Personnel. The Operator shall have in his or her employ and on duty during the required operating hours, trained Personnel in such numbers as are required to meet the Minimum Standards set forth in this category in an efficient manner and otherwise appropriately rated by the FAA, to permit the flight activities offered by Operator. The Operator shall have available sufficient qualified operating crews and satisfactory number of Personnel for checking in passengers, handling of luggage, ticketing and for furnishing or arranging for suitable ground transportation. The prospective Operator shall provide reasonable assurance of a continued availability of qualified operating crews and approved Aircraft within a reasonable or specified maximum notice period.

F. Certifications.

1. The Operator shall hold a Part 135 Certificate issued by the FAA, and Pilots shall be certificated as referenced in subsection E of this section;

2. Experienced and familiar with mountain flying.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types. (Ord. 00-47 § 1 (part), Exh. A § III(C)(5))

#### 10.44.090: FLIGHT TRAINING

A. Commercial Services and Activities. An Operator shall instruct Pilots in dual and solo flight training, in fixed and/or rotary wing Aircraft, in land Aircraft, and provide such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories or Pilots' certificate and rating involved.

B. Capital Improvements:

1. Minimum office space of one hundred fifty (150) square feet to provide classroom, briefing room, Pilot lounge, restrooms and telephone Facilities for customer use;

2. Asphalt or cement-paved surfaced, on-site auto Parking space with suitable accommodations for automobiles, and a paved Aircraft apron all within the leased area and sufficient to accommodate the Operator's activities and operations shall also be provided;

3. No flight training operations or Operator may be allowed to operate from a rented tie-down space.

C. Equipment.

1. Not less than one airworthy Aircraft suitably equipped for and meeting all the requirements of the FAA with respect to the type of operation to be performed;

2. Flight simulator capable of simulating Instrument Flight Rules (IFR) flight in a reciprocating-engine Aircraft.

D. Scope of Services/Standards.

1. The Operator shall have his or her services available eight hours daily in the Operator's commercially-reasonable discretion, during the period from six a.m. to eleven p.m., every day of the calendar year;

2. Office, classroom and briefing room space required for FAR Part 61 flight training including flight simulator, mark-ups, pictures, slides, film strips and other visual training aids;

3. The Operator shall have, and make for sale to the public, flight training textbooks, manuals and other miscellaneous Pilot supplies such as plotters, computers, navigational charts, etc.

E. Personnel.

1. The Operator shall have available, on a full-time basis, at least one flight instructor who is currently certificated by the Federal Aviation Administration to provide the type of flight training offered. Such flight instructor(s) shall additionally be experienced and familiar with mountain flying.

2. The Operator shall have for call on a part-time basis, at least one ground instructor who is currently certificated by the Federal Aviation Administration to provide the type of ground training offered.

F. Certifications. Flight school operation shall be in compliance with FAR Part 61.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County

Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types:

1. Aircraft liability;
2. Student and renter's liability shall be readily available for purchase by students and renters or Operators shall provide a signed waiver thereof and release of Operator and County. (Ord. 00-47 § 1 (part), Exh. A § III(C)(6))

#### 10.44.100: AIRCRAFT RENTAL

A. Commercial Services and Activities: Aircraft rental, not incident to flight training.

B. Capital Improvements:

1. At least one hundred fifty (150) square feet of floor space for office, restrooms, customer lounge and telephone Facilities for customer use;
2. Paved surfaced, on-site auto Parking space with suitable accommodations for automobiles, and a paved Aircraft apron.

C. Equipment. The Operator shall have available for rental, either owned or under written lease to Operator, a minimum of one reciprocating engine Aircraft rated less than one hundred fifty (150) h.p. to handle the proposed scope of the operation, and sufficient to provide for the public demand.

D. Scope of Services/Standards.

1. The Operator shall have his or her service available eight hours daily from six a.m. to eleven p.m., every day of the calendar year.
2. Aircraft shall be available for rental under commercially reasonable terms and conditions and at commercially reasonable rates and charges.

E. Personnel. The Operator shall have available on a full-time basis, at least one flight instructor who is currently certificated by the FAA to provide Aircraft check-out training services for customers renting Aircraft, including staffing/training adequate to provide customers with a full mountain checkout.

F. Certifications.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types:

1. Aircraft liability:
  - a. Bodily injury;
  - b. Passenger liability;
  - c. Property damage.
2. Student and renter's liability shall be readily available for purchase by students and renters or Operators shall provide a signed waiver thereof and release of Operator and County. (Ord. 00-47 § 1 (part), Exh. A § III(C)(7))

#### 10.44.110: AIRCRAFT MANAGEMENT

##### A. Commercial Services and Activities.

Operator shall provide long-term management to Aircraft owners and undertake the Maintenance, repair, charter and renting of the managed Aircraft.

##### B. Capital Improvements.

C. Equipment. Computer hardware and accounting software adequate to provide comprehensive records of all revenues and expenses of Aircraft management.

##### D. Scope of Services/Standards.

1. All Aircraft management must be done through bona fide long-term, exclusive management contracts.

2. Management contracts must be written and shall be for terms of least six months and shall be terminable in writing for cause only.

3. Management contract shall be exclusive and comprehensive covering all aspects of Aircraft operation including, without limitation, fees and charges, insurance, Maintenance, inspection and repair during the period of the contract.

4. Management contract may be "wet" or "dry," and with or without crew.

##### E. Personnel.

##### F. Certifications.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types. (Ord. 00-47 § 1 (part), Exh. A § III(C)(8))

#### 10.44.120: SPECIALIZED COMMERCIAL FLYING SERVICES

##### A. Commercial Services and Activities.

1. Commercial glider operations;

2. Nonstop sightseeing flights that begin and end at the same Airport within a fifty (50) mile radius of Airport;

3. Crop-dusting, seeding, spraying;

4. Aerial photography, survey or mapping;

5. Power line or pipeline patrol;

6. Fire fighting;

7. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

##### B. Capital Improvements.

1. For each of the above-listed activities or services, an Operator shall provide a minimum of one hundred fifty (150) square feet of floor space for office, restrooms, customer lounge and telephone Facilities for customer use.

2. Asphalt or cement-paved surfaced, on-site auto Parking space sufficient to accommodate Operator's activities and operations shall also be provided.

3. In case of crop-dusting, aerial application or other commercial use of chemicals, Operator shall provide centrally drained, paved area adequate for all Aircraft loading, unloading, washing and servicing. This area must be built and operated in full compliance with the Environmental Protection Agency and Colorado Department of Health regulation governing such activities. Operator shall also provide for the safe storage and containment of all chemical material. Such Facilities will be in a location on the Airport which will provide the greatest safeguard to the public.

C. Equipment.

1. The Operator shall provide and have based on his or her leasehold, either owned or under written lease to the Operator, not less than one airworthy Aircraft, suitably equipped for, and meeting all the requirements of the Federal Aviation Administration with respect to the type of operation to be performed.

2. In the case of crop-dusting or aerial application, the Operator shall provide tank Trucks for the handling of liquid spray and mixing liquids. The Operator shall also provide adequate ground Facilities and Equipment for the safe containment, storage, handling and safe loading of all noxious chemicals and materials in compliance with EPA and Colorado Department of Health.

D. Scope of Services/Standards.

1. The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.

2. The Operator shall have in his or her employ, and on duty during the required operating hours, trained Personnel in such numbers as may required to meet the Minimum Standards herein set forth in an efficient manner, but never less than one Person holding a current Federal Aviation Administration commercial certificate, properly rated for the Aircraft to be used and type of operation to be performed.

E. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types:

1. Aircraft liability,
  - a. Bodily injury,
  - b. Passenger liability,
  - c. Property damage;
2. Hangar keeper's liability, including taxiing, as applicable;
3. Products liability. (Ord. 00-47 § 1 (part), Exh. A § III(C)(9))

#### 10.44.130: SERVICES TO AIR CARRIERS

A. Commercial services and activities: services to Air Carriers.

B. Capital Improvements: Fuel storage facility, as provided in general aviation Fueling and lubricating services.

C. Equipment: Equipment as provided in general aviation Fueling and lubricating services or, if greater, applicable Airline standards.

D. Scope of Services/Standards.

1. Fueling and lubricating sale, and into-plane delivery of aviation Fuels, lubricants and other related petroleum products shall be available from six a.m. to the last Air Carrier operation, every day of the calendar year, upon request by certificated, Scheduled Air Carriers.

2. The Operator shall maintain current Fuel reports of the quality of Airline standards on file and available for auditing at anytime by the Director of Aviation, or the Federal Aviation Administration.

3. The Air Carrier may provide, subject to the mutual agreement of the parties and consistent with industry custom, separate written service standards, including penalties for nonperformance.

E. Personnel. Operator shall continuously provide at least two line service Personnel from six a.m. to eleven p.m.

F. Certifications.

1. Line service Personnel training to include certification for Fueling, defueling, quality assurance, fire safety, and hazardous material handling as required by federal, state and local government.

2. All Fueling services and systems shall be subject to inspection for fire and other hazards by the Director of Aviation or other representative of Pitkin County and the appropriate state and local fire agency. Operator shall meet all applicable fire codes: federal, state and local laws statutes, ordinances, rules and regulations pertaining to fire safety, including proper fire protection, electrical grounding and fire suppression.

3. Operator shall administer its Equipment and Facilities to comply with the spill control and containment plan.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types. (Ord. 00-47 § 1 (part), Exh. A § III(C)(10))

#### 10.44.140: MANAGEMENT OF S-FBO FACILITY—PROVISION OF SUBLEASE SPACE TO S-FBOS

A. Commercial services and activities: management of S-FBO Facility/provision of sublease space to S-FBOS.

B. Capital Improvements.

1. Operator shall provide a structure with five thousand (5,000) square feet of interior floor area in hangar space and associated administrative and storage space for sublease to S-FBOS.

2. Operator may sublease up to four thousand eight hundred (4,800) square feet of space in its FBO Facilities, as follows: main hangar (two thousand four hundred (2,400) square feet); FBO terminal (one thousand two hundred (1,200) square feet); and Maintenance hangar (one thousand two hundred (1,200) square feet).

C. Equipment: tenant finish.

D. Scope of Services/Standards.

1. Tenants shall be selected and vacancies filled under procedures established by the BOCC.

2. Terms, conditions and administration shall be fair, equal, commercially reasonable and not unjustly discriminatory.

3. Rental rates and charges shall be on a market basis, taking into consideration the costs of construction and financing, rent to County, triple net charges to tenants, a reasonable administration fee to the management (not to exceed fifteen (15) percent) and the rental rates and charges for comparable Facilities.

4. Grievance procedure with County.

E. Personnel: one Person designated to handle S-FBO tenant matters.

F. Certifications.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types. (Ord. 00-47 § 1 (part), Exh. A § III(C)(11))

#### 10.44.150: MANAGEMENT OF T-HANGAR FACILITY

A. Commercial service and activity: management of T-hangar facility.

B. Capital Improvements. Operator shall provide a structure with five thousand (5,000) square feet of interior floor area in hangar space and associated administrative and storage space, in four equally-sized units for sublease to based Aircraft not involved in commercial aeronautical operations.

C. Equipment: tenant finish.

D. Scope of Services/Standards.

1. Provisions customary landlord services to tenants pursuant to written leases approved in advance by the County; terms, conditions and administration shall be fair, reasonable and not unjustly discriminatory.

2. Rental rates and charges shall be on a cost basis, taking into consideration the costs of construction and financing, rent to County, triple net charges to tenants, and a reasonable administration fee to the management (not to exceed fifteen (15) percent).

3. Tenants shall be selected and vacancies filled under procedures established by the BOCC.

4. Grievance procedure with County.

E. Personnel: one Person designated to handle S-FBO tenant matters.

- F. Certifications.
- G. Insurance. (Ord. 00-47 § 1 (part), Exh. A § III(C)(12))

#### 10.44.160: MANAGEMENT OF DE-ICE FACILITY

- A. Commercial service and activity: management of de-ice facility.
- B. Capital Improvements: de-ice pad.
- C. Equipment:
  - 1. De-ice reclamation Equipment;
  - 2. De-ice fluid storage tanks: minimum capacity of two thousand (2,000) gallons;
  - 3. De-ice delivery Equipment; capable of delivery of fluid heated to one hundred seventy (170) degrees at a minimum rate of twenty (20) gal/min.
- D. Scope of Services/Standards.
  - 1. Rates, terms, conditions and administration shall be fair, reasonable and not unjustly discriminatory.
  - 2. Grievance procedure with County.
- E. Personnel: one line service Person.
- F. Certifications.
- G. Insurance. (Ord. 00-47 § 1 (part), Exh. A § III(C)(13))

#### 10.44.170: FUEL FARM OPERATION AND MANAGEMENT

- A. Commercial services and activities: Fuel farm operation and management.
- B. Capital Improvements. Underground storage tanks (USTs) or aboveground storage tanks (ASTs); five storage tanks with a maximum aggregate capacity of one hundred twenty-five thousand (125,000) gallons, not to exceed twenty-five thousand (25,000) gallons in any one tank, with at least one tank dedicated to Avgas; in compliance with all applicable federal, state, and local laws and regulations including permanent-type installation, leak detection system installation, and spill containment measures.
- C. Equipment.
  - 1. One metered filter-equipped dispenser, fixed or mobile, for each grade of aviation Fuel (Avgas and jet Fuel).
  - 2. Dispensing Trucks shall have a total of two thousand two hundred (2,200) gallon minimum capacity for Jet A and seven hundred fifty (750) gallon minimum capacity for each grade of Avgas Fuel.
  - 3. Adequate electrical grounding Facilities at Fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other Equipment commensurate with the hazard involved with Fueling Operations at the Fuel farm.
- D. Scope of Services/Standards.
  - 1. Services available six a.m. to eleven p.m. every day of the calendar year.
  - 2. Terms, conditions, rates and charges shall be fair, commercially-reasonable and not unjustly discriminatory.
- E. Personnel.

F. Certifications.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types. (Ord. 00-47 § 1 (part), Exh. A § III(C)(14))

#### 10.44.180: SERVICES TO LOCAL AVIATION COMMUNITY

A. Commercial Service and Activity. Operators shall provide free, at-cost or in-kind services and areas to local aviation groups in support of local aviation activities.

B. Capital Improvements. Operator shall provide a minimum of two hundred (200) square feet of office/meeting/activity space, on an on-call or as-needed basis.

C. Equipment: computer hardware and software adequate to maintain records of annual assistance and expenditure.

D. Scope of Services/Standards. Operator shall provide a minimum of twenty thousand dollars (\$20,000.00) annually (retail value of space, services, Equipment, products or supplies) to bona fide groups serving the local aviation community including, without limitation but otherwise subject to the prior written approval of the County, as follows:

1. Airshow;
2. Air rescue/civil air patrol;
3. Mountain rescue;
4. EAA;
5. 99s.

E. Personnel: one employee designated to act as liaison/coordinator with approved local groups.

F. Certifications.

G. Insurance. (Ord. 00-47 § 1 (part), Exh. A § III(C)(15))

#### 10.44.190: MAJOR AND SPECIALIZED AIRCRAFT AIRFRAME AND ENGINE REPAIR SERVICES (RADIOS, PAINTING, UPHOLSTERY, PROPELLERS, INSTRUMENTS AND ACCESSORIES)

A. Commercial Services and Activities.

B. Capital Improvements.

C. Equipment.

D. Scope of Services/Standards. Major Repair, Maintenance and inspection services as defines in FAR, Part 43, as amended.

1. The Operator shall have his or her services available eight hours daily during general aviation operating hours, five days a week.

2. The Operator shall have in his or her employ, and on duty during the required operating hours, trained Personnel in such numbers as are required to meet the Minimum Standards set

forth in this category in an efficient manner currently certified as Federal Aviation Administration radio, instrument or propeller repairmen.

3. The avionics portion of the services offered must maintain current the qualifications of Class I and Class II FAA designated repair station.

E. Personnel.

F. Certifications. The Operator shall maintain, as necessary, the repair station certificates as required by the Federal Aviation Administration, which are applicable to the operation or operations contemplated. The Operator may furnish one, or if desired, any combination of the services mentioned above.

G. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types:

1. Hangar keeper's liability, including taxiing, as applicable. (Ord. 00-47 § 1 (part), Exh. A § III(C)(16))

#### 10.44.200: AIRCRAFT SALES (NEW AND/OR USED)

A. Commercial services and activities: direct or brokeraged sales of Aircraft.

B. Capital Improvements: a minimum of one hundred fifty (150) square feet of floor space, for Aircraft storage and office. Hard surfaced, on-site auto Parking space with suitable accommodations for automobiles, and a paved Aircraft apron, all within the leased area and sufficient to accommodate the Operator's activities and operations shall also be provided.

C. Equipment.

D. Scope of Services/Standards. The Operator shall have his or her services available on a basis consistent with his or her franchise agreement.

E. Insurance. The Operator performing the services under this category shall purchase and, for the period of operations hereunder, maintain insurance in the types, amounts and forms enumerated in the document entitled "Minimum Insurance Requirements" as published by the Director of Aviation, and as the same may be modified from time to time by the Board of County Commissioners (unless expressly amended in a written lease, license or permit approved by the BOCC) including, the following types:

1. Aircraft liability:

a. Bodily injury,

b. Passenger liability,

c. Property damage;

2. Hangar keeper's liability, including taxiing: applicable and required in the event the Operator shall elect to service, by himself or herself, the Aircraft sold by him or her, during the guarantee or warranty period. (Ord. 00-47 § 1 (part), Exh. A § III(C)(17))

#### **10.48: ADDITIONAL SERVICES AND FACILITIES**

Sections:

10.48.010: SUMMARY OF LAND USE STANDARDS

10.48.010: SUMMARY OF LAND USE STANDARDS

A. Attached to the ordinance codified in this chapter, and incorporated herein by this reference is the adopted land use identification plan for the Airport.

B. Commercial Aeronautical Operators intending to construct Facilities and/or provide services or conduct activities defined herein as “additional” Facilities and services (or as “permitted” Facilities not within the footprint or structure of existing “required” Facilities), first shall be required to apply for all required land-use approvals through the Pitkin County Land Use Code, as it may be amended from time to time. Depending on the Operator’s proposal, these applications may include, without limitation, amendment to the Airport master plan, application for subdivision approval (or exemption from subdivision), for a growth management quota system (GMQS) allotment (or a GMQS exemption), special review (including Highway 82 and scenic foreground review), and H.B. 1041 hazard review. The specific requirements for these applications are contained in the land use code. Generally, however, land-use applications seek to evaluate development proposals and suggest mitigation measures in the following areas:

1. Conformance with Aspen area general plan, Airport zoning and Airport master plan;
2. Conformance with other County, state and federal laws and regulations;
3. Avoidance of natural and man made hazards and resource areas;
4. Avoidance of soil, surficial geologic and radiation hazards;
5. Avoidance of adverse drainage and erosion impacts;
6. Adequate provision for water, sewer and other utilities;
7. Adequate provision for impacts on roads, Parking and transportation;
8. Compatibility with historical and archaeological concerns and scenic quality;
9. Compatibility with agricultural lands and operations;
10. Adequate provision for impacts on tax base and government services;
11. Provision of affordable employee housing;
12. Provision for energy conservation;
13. Avoidance of environmental harm, including air, water and noise pollution;
14. Compatibility with existing neighbor-hoods and surrounding land uses.
15. Phasing of growth rate. (Ord. 00-47 § 1 (part), Exh. A § V)

Web version 3/08