

APPENDIX C: VRB MINIMUM STANDARDS

RESOLUTION NO. 2018- 08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, REPEALING RESOLUTION NO. 2677; APPROVING AIRPORT MINIMUM STANDARDS FOR VERO BEACH REGIONAL AIRPORT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach owns and operates the Vero Beach Regional Airport which serves the commercial and general aviation needs of the public; and

WHEREAS, the City Council of the City of Vero Beach, Florida, finds that the existing the Airport Minimum Standards for Vero Beach Regional Airport ("Minimum Standards"), last updated in 1976, requires amendment to reflect current City policies and practices, statutory changes, clarification of existing language, and removal of certain sections that have been incorporated into other provisions of the Code; and

WHEREAS, the Federal Aviation Administration (FAA) has reviewed and accepted the revised Minimum Standards, attached hereto as Exhibit "A"; and

WHEREAS, the affected tenants were given the opportunity to review and provide comments, attached hereto as Exhibit "B", and

WHEREAS, the City Council finds that approving these Minimum Standards serves a municipal purpose and is in the public interest as it complements the latest Airport Master Plan and Sustainable Business Plan;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA THAT:

Section 1 – Adoption of "Whereas" clauses.

The foregoing "Whereas" clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Resolution.

Section 2 – Repeal of Resolution No. 2677

Resolution No. 2677 is hereby repealed and replaced in its entirety by this Resolution.

Section 3 – Approval and Adoption of Minimum Standards.

The City Council hereby approves and adopts the Minimum Standards attached hereto as Exhibit "C".

Section 4 – Conflict and severability.

In the event any provision of this Resolution conflicts with any other resolution of the City Council, the provisions of this Resolution shall apply and govern on the subject matter or this Resolution. If any provision, phrase, or portion of this Resolution or application thereof to any person or circumstance is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Resolution,

which shall be deemed separate, distinct, and independent provisions enforceable to the fullest extent possible.

Section 5 – Effective Date.

This Resolution shall become effective upon adoption by the City Council.

This Resolution was heard on the 17th day of April 2018, at which time it was moved for adoption by Councilmember Moss, seconded by Councilmember Young, and adopted by the following vote of the City Council:

Mayor Harry Howle III	<u>yes</u>
Vice Mayor Lange Sykes	<u>absent</u>
Councilmember Laura Moss	<u>yes</u>
Councilmember Anthony W. Young	<u>yes</u>
Councilmember Val Zudans	<u>absent</u>

ATTEST:

CITY COUNCIL
CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
Tammy K. Bursick
City Clerk

Harry Howle III
Harry Howle III
Mayor

Approved as to form and legal sufficiency:

Approved as conforming to municipal policy:

Wayne R. Coment
Wayne R. Coment
City Attorney

James R. O'Connor
James R. O'Connor
City Manager

Approved as to technical requirements:

Ericson W. Menger
Ericson W. Menger
Airport Director



VERO BEACH

REGIONAL AIRPORT

Minimum Standards for Aeronautical Services

Vero Beach Regional Airport • 3400 Cherokee Drive • Vero Beach, FL 32960

Table of Contents

Preamble	5
Introduction	6
Applicability	7
Definitions	8
Article 1: General Standards	10
Section 1: Overview	10
Section 2: Amendments	10
Section 3: Existing Tenants and Operators	11
Section 4: Waivers or Modifications	11
Section 5: Rights and Responsibilities – Operator	12
Section 6: Rights and Responsibilities – Airport Owner	12
Section 7: Subordination	12
Section 8: Airport Leasing Policy – Resolution 2015-30	13
Section 9: Repairs, Restoration, Replacement	13
Article 2: General Requirements	14
Section 1: Personnel and Training	14
Section 2: Airport Security	14
Section 3: General FBO and SASO Requirements	14
Section 4: Insurance	15
Article 3: Fixed Based Operator	17
Section 1: Statement of Concept	17
Section 2: Minimum Standards for FBO	17

Article 4: Aircraft Repair and Maintenance	19
Section 1: Statement of concept	19
Section 2: Minimum Standards	19
Article 5: Aircraft Rental	20
Section 1: Statement of Concept	20
Section 2: Minimum Standards	20
Article 6: Flight Training	21
Section 1: Statement of Concept	21
Section 2: Minimum Standards	21
Article 7: Aircraft Sales	23
Section 1: Statement of Concept	23
Section 2: Minimum Standards	23
Article 8: Charter and Taxi	24
Section 1: Statement of Concept	24
Section 2: Minimum Standards	24
Article 9: Through-The-Fence Operations	25
Section 1: Statement of Concept	25
Section 2: Obligations	25
Article 10: Non-Commercial Hangar	27
Section 1: Statement of Concept	27
Section 2: Minimum Standards	27
Section 3: Permitted Uses	27
Article 11: Minimum Construction and Design Standards	28

Section 1: Statement of Concept	28
Section 2: Minimum Standards	28
Section 3: Additional Requirements	29
Appendix A: Amendment Page	30
Appendix B: Quick Reference Guide - Minimum Space Requirement	31

PREAMBLE

The mission of the Vero Beach Regional Airport is to provide safe and efficient general aviation facilities and associated services to both commercial and non-commercial users, while operating in harmony with the community's quality of life goals.

Pursuant to **FAA AIRPORT COMPLIANCE MANUAL - Order No. 5190-6B, dated September 30, 2009**, the City, as sponsor of a federally obligated Airport, shall make the opportunity to engage in commercial aeronautical services available to any person, firm, or corporation that meets and complies with reasonable standards established by the City. In exchange for this opportunity, an Operator engaged in commercial aeronautical services on the Airport agrees to comply with the Minimum Standards set forth in this document.

These Minimum Standards are intended to be reasonable and relevant to the aeronautical services conducted at the Airport. They protect Airport users from unauthorized and unlicensed products and services, maintain and enhance the availability of an adequate level of quality services for all Airport users, promote the orderly development of Airport land, promote safety in all Airport activities, and ensure efficiency of operations. They outline threshold entry requirements for establishing new aeronautical service businesses, create an environment that promotes fair competition among aeronautical businesses located at the Airport, and establish minimum licensing and insurance requirements for all aeronautical service providers operating on the Airport.

These Minimum Standards shall be applied objectively and uniformly to all similarly situated authorized commercial aeronautical services being provided to the public.

INTRODUCTION

Prudent and proper Airport administration requires that standards be adopted to establish the minimum acceptable qualifications of participants, level and quality of service, and other conditions which will be required of those proposing to conduct commercial aeronautical services at Vero Beach Regional Airport. Setting reasonable standards for those proposing to conduct commercial aeronautical services on a public Airport relates to the public interest and provides protection from irresponsible, unsafe, or inadequate service. The adoption and enforcement of such Minimum Standards ensures that those individuals, or entities, engaged in commercial aeronautical services are reasonably fit, willing, and able to discharge both its service obligations to its patrons and its economic obligations to the Airport community and protects established commercial enterprises, aviation users, and the public.

The City of Vero Beach, owner and operator of the Vero Beach Regional Airport, hereby adopts these Minimum Standards by Resolution. The goal of the Minimum Standards is to provide the threshold entry and operation requirements (qualifications, levels of service, and facilities) for those wishing to engage in, or to provide commercial aeronautical goods and services to the public and to ensure that those who have undertaken to provide services, as approved, are not exposed to unfair or irresponsible competition. The Federal Aviation Administration (FAA) strongly encourages, but does not require, an Airport sponsor to develop and implement a minimum standards program.

These Minimum Standards provide for the minimum levels of service, facilities, and staffing that must be met by the prospective commercial aeronautical service provider. The uniform application of these standards relates primarily to the public interest by discouraging substandard entrepreneurs and mandating insurance coverage levels, thereby protecting the Airport, Airport patrons, and established aeronautical services.

A Minimum Standards waiver may be granted by the Airport, in certain cases, to prevent discrimination and foster equal opportunity for business at the Airport.

APPLICABILITY

These Minimum Standards shall apply to any new agreement, lease, or any amendment to any existing agreement relating to the occupancy or use of Airport aeronautical land or improvements for commercial aeronautical services.

Operators currently conducting commercial aeronautical services without a written agreement with the City will have six (6) months from the date of adoption of these Minimum Standards to come into compliance.

Subject to all applicable Federal, State, and local statutes, ordinances, regulations, rules, orders, permits, and Grant Agreements between the City and the FAA and Florida Department of Transportation (FDOT), no person shall use the Airport, or any portion thereof, or any of its improvements or facilities, as a primary base for operations to engage in, or to deliver aeronautical services, who has not first obtained the written consent and required approval, or lease for such use, from the City and entered into such written leases or subleases and other agreements as may be required by the City.

1. To the extent that any provision of these Minimum Standards is in conflict with any lease agreement now or hereafter approved by the City, the provisions of the lease agreement shall prevail.
2. In the event of conflict between these Minimum Standards and any federal, state, or local regulation or ordinance, the regulation or ordinance shall prevail.
3. All units of measurement are provided in Standard English Units. Gross square feet of a building encompasses the total footprint of the building and includes mechanical rooms, toilets, stairs and halls. Square footage of apron or parking space is measured from edge to edge of the prepared surface, plus all surrounding area required for setbacks, green space, stormwater management, utilities, or other necessary development elements.
4. Any activities for which there are no specific Minimum Standards established will be addressed by the Airport on a case-by-case basis and set forth in such Operators' written lease, or other agreement with the City.

Resolution 2677, Minimum Standards, enacted by City Council decision on April 20, 1976 provided the following FBO categories:

- Category "A" – Sale of Aviation Petroleum Products and Ramp Service
- Category "B" – Flight Instruction and Aircraft Rental
- Category "C" – Aircraft Charter and Taxi
- Category "D" – Aircraft Sales
- Category "E" – Aircraft, Engine, Propeller and Accessory Maintenance
- Category "F" – Radio and Instrument
- Category "G" – Complete Fixed Base Operators

These FBO Categories are superseded by these Minimum Standards, as approved by Vero Beach City Council.

DEFINITIONS

Terms used in these Minimum Standards are defined below. Words relating to aeronautical practices, processes and equipment will be construed according to their general usage in the aviation industry unless a different meaning is apparent from the context or specifically defined otherwise herein. All other words will be construed according to their common literal meaning.

AERONAUTICAL SERVICE - Any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person or business entity who has a lease or agreement from the Airport to provide such services.

AIR OPERATIONS AREA (AOA) - That portion of the Airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft including the hangar and aircraft parking aprons.

AIRPORT – Vero Beach Regional Airport (KVRB).

APRON - Those areas of the Airport within the AOA designated for the loading, unloading, servicing, or parking of aircraft.

CITY - The City of Vero Beach, Florida, existing under the laws of the State of Florida. When City has a capitalized first letter, it is referring to the City of Vero Beach and its vested authority.

COMMERCIAL ACTIVITY - The exchange, trading, buying, hiring or selling of goods, services or property of any kind, or any revenue producing activity on the Airport.

ENTERPRISE FUND DEPARTMENT - A specifically defined department of a governmental entity which is managed in a manner similar to private business enterprises, where it is intended that the department account for costs of providing goods and services to the general public on a continuing basis, financed primarily through user charges, or, where the governmental body has decided that periodic determination of revenues earned, expenses incurred, or net income is appropriate for capital maintenance, public policy, management control, accountability, or other relevant purposes.

FEDERAL AVIATION ADMINISTRATION (FAA) - The federal aviation agency established by the Federal Aviation Act of 1958, as amended, and re-established in 1967 under the Department of Transportation.

FEDERAL AVIATION REGULATION (FAR) – Rules prescribed by the FAA governing all aviation activities in the United States found in Title 14 of the Code of Federal Regulation.

FIXED BASE OPERATOR (FBO) - An Operator engaged in the business of providing commercial aeronautical services to Airport users. An FBO is the only type of Operator authorized to sell Fuel.

FUEL - Aviation petroleum products used to operate piston or jet turbine engines.

FUELING OPERATIONS - Dispensing of aviation fuel directly into aircraft or dispensing the same from a separate medium such as a fuel truck or self-fueling facility.

MAINTENANCE - Inspection, overhaul, repair, preservation, and replacement of parts of an aircraft, excluding preventive maintenance.

MINIMUM STANDARDS - The qualifications which are established as the minimum requirements to be met as a condition for privilege to conduct an aeronautical service at Vero Beach Regional Airport.

NFPA - National Fire Protection Association.

NOTAM - Notice to Airmen published by the FAA.

OPERATOR - A person or persons, firm, company, joint venture, partnership or corporation engaging in any commercial aeronautical service on the Airport. An Operator may be classified as either a Fixed Base Operator (FBO) or a Specialized Aeronautical Services Operator (SASO).

POLICY – As set forth by Vero Beach City Council resolution, is a guiding principle or plan which Airport Staff utilizes in managing all public matters involving property and operations.

SPECIALIZED AERONAUTICAL SERVICES OPERATOR (SASO) - An Operator authorized to provide up to three (3) commercial aeronautical services to Airport users. Specialized Aeronautical Services may include flight instruction, aircraft sales, charter services, avionics or engine/aircraft repair, aerial photography, aerial tours, and other aviation business not selling aviation fuel.

SELF-FUELING - Fueling of an aircraft by the aircraft owner, their employees, or the pilot, using their own pumps and equipment.

SELF-SERVICE FUELING - Dispensing of fuel by an aircraft owner, their employees, or a pilot into an aircraft from a pump installed and maintained by an FBO for that purpose. A self-service fueling facility is for public use.

Tenant – Individuals or business entities leasing space or land at the airport for private non-commercial use.

THROUGH-THE-FENCE OPERATION - Use of Airport property by any entity or business offering an aeronautical service or engaged in an aeronautical service on and adjacent to, or by aircraft based on land adjacent to, but not part of Airport property.

ARTICLE 1

GENERAL STANDARDS

Section 1 Overview

The City of Vero Beach, Florida, being responsible for ownership, operations, and the administration of the Vero Beach Regional Airport does hereby adopt and establish Minimum Standards governing the orderly development and operations of qualified commercial aeronautical service providers.

- a. The Airport is a public-use, FAA Part 139 certificated general aviation Airport. The five-member Vero Beach City Council acts as the governing authority with the Airport operating as an Enterprise Fund Department within the City government. The daily management of the Airport is under the direction of the Airport Director. The Vero Beach City Council and Airport Commission have reviewed and approved these Minimum Standards.
- b. The Vero Beach City Council has accepted certain responsibilities and obligations to operate the Airport for the use and benefit of the public. It makes the Airport available for public use by applying reasonable terms, without unjust discrimination, for Airport users or those desiring to conduct aeronautical services at the Airport. Establishing these Minimum Standards provides to all entities who desire to conduct or engage in providing authorized commercial aeronautical services at the Airport, the basic requirements to conduct such activities without exclusive right or infringing on the abilities of others to engage in similar activities. The Airport is authorized to assess fees and charges for conducting, carrying on, or engaging in commercial aeronautical services as described in these Minimum Standards. The Airport fees and charges are established and revised as necessary to make the Airport as financially self-sustaining as possible and sufficient to cover Airport costs.
- c. These Minimum Standards establish the threshold entry requirements for those wishing to provide commercial aeronautical services to the public and to ensure that those who have undertaken to provide commercial aeronautical services are treated fairly.

Section 2 Amendments

Amendments to the Minimum Standards may be proposed at any time. A recommended change shall be forwarded, in writing, to the Airport Director. The Airport Director will review the proposed amendment in coordination with City staff and, if acceptable, present the amendment to the Airport Commission for a recommendation to the City Manager. The City Manager will review the proposed amendment for presentation to the City Council for action (acceptance, rejection, or revision). Copies of the proposed amendment will be available for review in the Airport Director's Office during regular business hours until final action of the City Council is complete. A copy of the proposed amendment will be sent to each affected commercial aviation tenant or authorized commercial aeronautical service provider on the Airport prior to presentation to the Airport Commission. A comment period of not less than 30 calendar days from the scheduled date of presentation to City Council will be allowed. Comments must be submitted, in writing, to the Airport Director within the comment period. If significant comments are

received, a public meeting may be held by the Vero Beach Airport Commission in order to advise the City Council on the proposed amendment. All comments will be considered by appropriate City staff, Airport Commission, City Manager, and the City Council. After considering the proposed amendment, comments, and recommendation of the Airport Commission, the City Council will vote for approval or disapproval. If the amendment is approved by the City Council, City staff will incorporate the amendment into the Minimum Standards and send a copy to all affected parties on the Airport. Approved amendments will become effective immediately upon approval by the City Council.

Section 3 Existing Tenants and Operators

With regards to an existing lease, sublease, or agreement, all conditions not meeting these Minimum Standards shall be considered nonconforming. All such non-conforming conditions shall be brought into conformance upon any of the following triggering events: changes to an existing lease, sublease, or agreement, including amendment, addendum, assignment, renewal, extension, expiration, or majority ownership change of fifty-one percent (51%) or greater.

Section 4 Waivers or Modifications

Subject to the Airport Deed Restrictions, Grant Assurances, Airport Compliance Manual, and other applicable FAA rules and regulations, situations may arise where it may be that these Minimum Standards might be waived or modified, in part, by the following authorities as outlined below.

- a. The Airport Director may waive or modify any portion of these Minimum Standards for the benefit of any governmental agency performing public services, law enforcement, fire protection, or emergency response operations.
- b. The City Manager may waive or modify any portion of these Minimum Standards when it is determined that such waiver or modification is in the best interest of the public and will not result in preferential treatment or discrimination against other commercial aviation tenants or authorized commercial aeronautical service providers at the Airport.
- c. Many types of commercial aeronautical services may exist which are too varied or specialized to reasonably permit the establishment of specific Minimum Standards for each activity. When services are proposed which do not fall within the categories in this document, minimum standards will be developed on a case-by-case basis, taking into consideration the desires of the Operator and the needs of the City, or an amendment may be proposed as set forth in Section 2 above.
- d. In the interest of the highest and best use of Airport property, the City may make changes to these Minimum Standards, as well as any other policy concerning the future development of the Airport. It is the City's intent to solicit comments from and communicate with all FBOs, SASOs and other authorized businesses located at the Airport with respect to these matters.

Section 5 Rights and Responsibilities – Operator

Notwithstanding anything to the contrary contained herein, the following rights, privileges and duties are hereby conferred and imposed upon individual users of the Airport facilities:

- a. Each Operator shall comply with all applicable requirements, regulations, and standards for licensing and certification for the type of business activities being conducted. If any changes in licensing or certification status occur, the Operator shall immediately notify the Airport.
- b. It shall be the duty of each Operator at the Airport to fully inform themselves of, and to keep current on, all federal, state, and local aviation regulations and standards and to completely and promptly comply therewith.
- c. Nothing contained herein shall restrict or limit the right of Operators or their employees to engage in commercial aeronautical services allowed by the FAA and these Minimum Standards. However, all such commercial aeronautical services shall be performed strictly in accordance with federal, state, and local regulations, circulars, airworthiness directives and requirements, and such maintenance and repairs shall be conducted within areas designated for owner maintenance or by authorized repair facilities on the airfield.

Section 6 Rights and Responsibilities – Airport Owner

- a. The City of Vero Beach, as owner and operator of the Vero Beach Regional Airport, has the responsibility to adhere to all federal, state, and local laws, and all contracts it has entered into including, but not limited to, all Federal and State Grant Agreements with the FAA and FDOT for funding of improvements to the Airport. The City reserves the right to make changes and modifications to these Minimum Standards as conditions may require.
- b. In addition to all other rights and remedies provided in these Minimum Standards, the City shall have any and all other rights and remedies at law or in equity, including the equitable remedy of injunction, to enforce these Minimum Standards and to obtain compliance herewith.
- c. The Airport shall have the right at any time to inspect all Airport premises, together with all structures or improvements, aircraft, equipment, licenses, registrations, and all applicable records.

Section 7 Subordination

a. War or National Emergency

During time of war or national emergency, the City shall have the right to lease the Airport, or the landing area, or any part thereof, to the United States Government for military use. Any authority, or lease agreement granted to an Airport tenant or subtenant shall be subordinate to such government lease and, insofar as they are inconsistent, the government lease shall prevail.

b. **All Leases Subordinate to Government Conditions**

Any lease, or agreement entered into between the City and any tenant or subtenant shall be subject and subordinate to the provisions of any existing or future agreement between the City and the United States Government, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of Federal funds for the development of the Airport.

Section 8 Airport Leasing Policy

The Airport Leasing Policy (Resolution 2015-30, as amended) has been designed to simplify and expedite the entire leasing process, and to ensure that each prospective tenant receives fair and equitable treatment. Airport policy does not allow a prospective tenant to secure a “right of first refusal,” nor will the Airport remove any property from the market for any period of time for the purpose of future lease negotiations. Impartial consideration will be given to all parties who express a current interest in leasing Airport property.

Section 9 Repairs, Restoration, Replacement

Nothing contained in these Minimum Standards shall be construed to require the City to maintain, repair, restore or replace any structure, improvement or facility which is damaged or destroyed. The City will continuously operate the Airport in accordance with Grant Assurances provided to the Federal Aviation Administration in exchange for Airport Improvement Program grants.

Airport Improvement Program (AIP) grants, term used by the FAA for planned and programmed grant funded projects for any Public Use airport.

ARTICLE 2

GENERAL REQUIREMENTS

Section 1 **Personnel and Training**

- a. Tenants/Operators shall ensure that an adequate number of qualified, authorized and where applicable, licensed employees are on duty to provide a level of service consistent with these Minimum Standards.
- b. All non-management personnel in the AOA shall be suitably uniformed with the name of the company prominently displayed.
- c. All personnel within the established AOA shall display Airport identification media in compliance with the current requirements of the Airport Security Program.
- d. Each Operator shall establish a written program to ensure that all employees are thoroughly trained and qualified to perform the tasks to which they are assigned. The training program shall contain detailed instruction in proper operating procedures for each job classification.
- e. The Airport requires certain Tenant and/or Operator employees to complete training and maintain proficiency in several areas including, but not limited to: Ground Vehicle Operations and Runway Safety, Aviation Fuel Handling and Fire Safety, and Airport Security. It shall be the duty of each Operator to:
 1. Ensure that their employees are current in their training, as applicable;
 2. Notify the Airport when employee training is needed;
 3. Maintain documentation of required training, and;
 4. Provide documentation of required training to the Airport.

Section 2 **Airport Security**

Tenants and Operators shall ensure that they and their employees, and facilities (as applicable) are in compliance with the current requirements of the Airport Security Program. Such requirements include, but are not limited to:

- a. AOA access control;
- b. AOA escort procedures;
- c. Monitoring for security breaches or threats, and;
- d. Proper display of identification media.

Section 3 **General FBO and SASO Requirements**

- a. All FBOs and SASOs authorized to provide commercial aeronautical services at the Airport shall conduct those operations for the convenience of the public and to promote aviation.

b. No Operator may conduct business as an FBO or SASO at the Vero Beach Regional Airport without a written agreement. The agreement may be in the form of a lease, or consent to sublease. An FBO or SASO shall accept, comply with, and conduct its business operations in accordance with the terms and conditions of the agreement, these Minimum Standards, and rules and regulations adopted or amended from time to time by the City of Vero Beach, Florida, owner of the Vero Beach Regional Airport.

c. Each Operator shall make prior arrangements for a sufficient amount of land, or building space, from the City, an existing FBO, SASO, or an existing hangar owner, to conduct the type of business for which the Operator has been approved by the City. Any proposed new construction or development must comply with Article 11, Minimum Construction and Design Standards, of these Minimum Standards

d. Each Operator shall provide paved access to the Airport's runway and taxiway system. If paved access must be constructed, it shall be done in compliance with the criteria described in Article 11, Minimum Construction and Design Standards, of these Minimum Standards.

e. Minimum size requirements for hangar, office, and apron space, described in this document, are not cumulative for those operators proposing to offer aeronautical services to the public in more than one SASO category.

f. The Operator shall conduct its business operations, including the parking and storing of aircraft, strictly within the boundaries of their leased property, unless alternate arrangements are made with another Operator. Operations shall not in any way interfere with the operations of other FBOs, SASOs, other businesses operating on the Airport, or the use of the Airport by the general public. The Operator shall not utilize any common use areas for commercial purposes, except as authorized in writing by the Airport.

g. The Operator shall conduct aeronautical services on a fair and non-discriminatory basis to all people and entities and shall charge fair, reasonable, and non-discriminatory prices for each product or unit of service.

h. All Operators shall conduct business in a safe and professional manner consistent with the highest degree of care and skill exercised by existing FBOs and SASOs providing comparable products, services and activities from similar Airports in like markets.

i. SASO categories include:

1. Aircraft Repair and Maintenance as further described in Article 4 and includes both Airframe and Powerplant repair and maintenance and Aircraft Component repair and maintenance.
2. Aircraft Rental as further described in Article 5.
3. Flight Training as further described in Article 6.
4. Aircraft Sales as further described in Article 7.
5. Aircraft Charter and Taxi Operations as further described in Article 8.
6. Other Services as dictated by market conditions.

Section 4 Insurance. Tenants, Operators, and other Airport users must, as a condition of their lease or other written agreement, obtain and maintain insurance coverage as required by the lease or other written agreement, and name the City of Vero Beach as additional insured. Business owners are encouraged to

purchase additional policy types and limits suited for their specific operation at Vero Beach Regional Airport.

Annually, each tenant must provide the Airport with an updated copy of their insurance policy, insurance certificate and the endorsement naming the City as an additional insured. Questions should be directed to the Airport's Property and Business Administrator regarding insurance requirements, (772) 978-4930, ext 102.

ARTICLE 3

FIXED BASE OPERATOR (FBO)

Section 1 Statement of Concept

With exception of self-fueling operations, only an FBO authorized to conduct business on the Airport shall provide aircraft fueling to Airport users. In addition to aircraft fueling, an FBO may provide any number of aeronautical services and including, but not limited to SASO categories listed in Article 2, section 2.i.

Section 2 Minimum Standards for FBO

Except as otherwise provided in any agreement between the FBO and the City, an FBO offering aeronautical services to the general public shall comply with the following minimum standards unless a waiver is granted by the City:

2.1 Facilities

The Operator shall lease from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than three thousand (3,000) square feet of properly lighted, air conditioned floor space for the purposes of providing all amenities typically found at comparable FBOs in similar markets or called for by market conditions. Total square footage can be cumulative, among all FBO buildings.
- b. A hangar facility of a minimum of twelve thousand (12,000) square feet of properly lighted space to perform work, aircraft storage, and parts storage. Total hangar square footage can be cumulative, among all FBO hangars.
- c. A paved Apron of not less than fifty thousand (50,000) square feet, to provide transient aircraft parking and tie-downs for a minimum of ten (10) aircraft.
- d. Tie-down facilities for safe storage of based and transient aircraft.

2.2 Aviation Fuels and Oil Sales

Except as otherwise provided in any agreement between the FBO and the City, an FBO shall be required to provide the following services and equipment:

- a. Provide aircraft fueling and storage facilities of not less than 10,000 gallons.
- b. Minimum types of aviation fuel offered shall be as required by market conditions.
- c. An adequate amount of aviation fuel is to be stored as to provide efficient, uninterrupted supply.

- d. An adequate inventory of generally accepted grades of aviation engine oil and lubricants.
- e. All fuel dispensing equipment shall be equipped with certified metering equipment, filters, and bonding equipment and shall meet all applicable federal, state, local, NFPA, and FAA Advisory Circular requirements for each type of fuel dispensed.
- f. The storage, transportation, and dispensing of fuel shall be done in strictest accordance with federal, state, and local regulations, Airport Rules and Regulations, applicable NFPA Codes and the Airport Certification Manual.
- g. FBO's shall ensure that their personnel who handle aviation fuel are trained in compliance with the requirements of FAR 139.321, the Airport Certification Manual, and the Airport's Aviation Fuel Handling and Fire Safety Standards.
- h. The FBO shall establish and carry out all operations in accordance with procedures sufficient to provide the services required, and safely store, dispense and handle fuel, lubricants, and oxygen on the Airport.
- i. If a written request is received, the Airport Director may grant authorization for self-service fueling operations to an FBO if Airport activity, market demand, and safety criteria justify such an operation. An FBO may not install self-service fueling equipment without providing full service fueling service to the public. The fueling facility may or may not be attended by the FBO that owns and operates the equipment.

2.3 Subcontracting Services and Restrictions

The FBO may subcontract, or use, third party operators to provide any additional activities identified in Article 3, Section 1, provided that such subcontractor or third party operators meets the requirements of these Minimum Standards, is approved by the Airport in writing, and operates from the Fixed Base Operator's premises.

2.4 Additional Required Services

An FBO shall also provide the following services:

- a. Service equipment necessary to properly provide support for aircraft including, but not limited to: fire extinguishers, aircraft tugs, ground power starter, auxiliary power units, and lavatory service.
- b. Emergency service to disabled aircraft on the Airport including towing or transporting disabled aircraft to the FBO's premises at the request of the owner or pilot of the disabled aircraft or the Airport. Movement of any disabled aircraft shall be at the expense of the aircraft owner. The City bears no liability in moving an aircraft.
- c. Oxygen dispensing and servicing for low pressure and high pressure gaseous oxygen. Only Aviator's Breathing Oxygen quality oxygen shall be offered.

ARTICLE 4

AIRCRAFT REPAIR AND MAINTENANCE

Section 1 Statement of Concept

An Aircraft Repair and Maintenance Operator provides Airframe and Powerplant repair and maintenance and Aircraft Component repair and maintenance which includes airframe, engine, component, and accessory repairs and maintenance or a combination thereof on aircraft. This SASO category shall also include the sale of aircraft parts, components, and accessories.

Section 2 Minimum Standards

An Operator in this category, in addition to the services normally associated with repair and maintenance, shall provide or have access to necessary facilities, equipment, expertise, and personnel to assist with the removal of disable aircraft from the public landing area when requested by the aircraft owner or the Airport unless otherwise provided in an agreement.

2.1 Facilities

The Operator shall lease from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than one thousand (1,000) square feet of properly lighted, air conditioned floor space for the purposes of providing all amenities typically found at comparable airports or called for by market conditions.
- b. A hangar of not less than five thousand five thousand (5,000) square feet to conduct airframe and powerplant repairs and maintenance for general aviation aircraft.
- c. A paved apron of not less than five thousand (5,000) square feet.

ARTICLE 5

AIRCRAFT RENTAL

Section 1 Statement of Concept

An Aircraft Rental Operator engages in the rental or lease of aircraft to the public.

Section 2 Minimum Standards

An Operator in this category shall at all times maintain a minimum of one (1) fixed wing or one (1) rotary wing aircraft, ready to fly, and under the control of, the Operator for rent by the general public.

2.1 Facilities

The Operator shall lease from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than one thousand (1,000) square feet of properly lighted, air conditioned floor space for the purposes of providing all amenities typically found at comparable airports or called for by market conditions.
- b. A hangar of not less than five thousand (5,000) square feet.
- c. A paved apron of not less than five thousand (5,000) square feet.

ARTICLE 6

FLIGHT TRAINING

Section 1 Statement of Concept

A Flight Training Operator engages in the instruction of students in the principles of piloting various types of aircraft. Flight training can be accomplished through utilization of actual aircraft or flight simulators. Flight training also encompasses varying ground school studies to address the theoretical aspects of aviation. The combination of the theoretical studies in conjunction with the practical exercises must fulfill the requirements established by the FAA leading to successful written/oral examination and a flight check ride for the category or categories of pilot certificates or ratings involved.

Section 2 Minimum Standards

Except as otherwise provided by an agreement between the Operator and the City, an Operator offering flight training services to the general public shall:

- a. Provide and at all times maintain a minimum of one (1) aircraft, or one (1) flight simulator, owned or leased by, and under the control of, the Operator. Aircraft and simulators shall be suitable for the type of training being offered.
- b. Ensure that all students operating training aircraft obtained from the Operator have an appropriate and current FAA pilot's license and medical certificate, or the student is under the direct supervision of a qualified instructor and is qualified to safely operate the aircraft.
- c. Operators shall comply with the Transportation Security Administration requirements of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Appropriations Act of 2009), which amends 6 U.S.C. 469 and authorizes TSA to establish a process to determine that an alien who takes a recurrent flight training course is not a risk to aviation or national security, and to impose reasonable fees for this process. Flight training providers must conduct background checks for all aliens and other designated individuals seeking flight instruction ("candidates") from FAA-certificated flight training providers. Through the information collected, TSA will determine whether a candidate is a threat to aviation or national security, and thus prohibited from receiving flight training or recurrent training.
- d. Operators are required to conduct a security awareness program for their employees, and to maintain records associated with this training. See Article 2, Section 2.
- e. Under no circumstances shall an Operator offer instruction or provide access to aircraft by a student if the TSA notifies the facility that the student poses an unacceptable threat to aviation or national security.

2.1 Facilities

The Operator shall lease from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than three thousand (3,000) square feet of properly lighted, air conditioned commercial space for the purposes of providing all classrooms, training, flight planning area, and public restrooms typically found at comparable airports or called for by market conditions.
- b. A hangar of not less than five thousand (5,000) square feet.
- c. A paved apron of not less than five thousand (5,000) square feet.

ARTICLE 7

AIRCRAFT SALES

Section 1 Statement of Concept

An Aircraft Sales Operator engages in the purchasing and selling of new or used aircraft through various methods, including matching potential customers with an aircraft (brokering), assisting a customer in the purchase or sale of an aircraft, or purchasing used aircraft and marketing them to potential purchasers.

Section 2 Minimum Standards

An Operator offering aircraft sales to the general public shall provide adequate facilities or arrangements for all aircraft sales operations as dictated by market conditions unless otherwise provided by agreement with the City.

Adequate facilities shall at a minimum include the Operator leasing from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than one thousand (1,000) square feet of properly lighted, air conditioned floor space for the purposes of providing all amenities typically found at comparable markets or called for by market conditions.
- b. A hangar of not less than five thousand (5,000) square feet.
- c. A paved apron of not less than five thousand (5,000) square feet.

ARTICLE 8

AIRCRAFT CHARTER AND TAXI

Section 1 Statement of Concept

An Aircraft Charter or Taxi Operator is engaged in the business of providing air transportation (persons or property) to the general public for hire, on an unscheduled or scheduled basis, under FAR Part 135. Aircraft Charter Operations include Air Ambulance Operations and Aircraft Management Operations. An Aircraft Management Operator is a commercial operator engaged in the business of providing aircraft flight dispatch, flight crews or aircraft maintenance coordination to the public and is included in Air Charter Operations.

Section 2 Minimum Standards

Except as otherwise provided in an agreement between the Operator and the City, an Operator offering aircraft charter or air taxi service to the general public shall:

- a. Provide to the Airport proof of FAR Part 135 certification.
- b. Provide and at all times maintain a minimum of one (1) aircraft owned or leased by, and under the control of, the Operator.

2.1 Facilities

The Operator shall lease from the City or another existing Operator on the Airport, sufficient land or building space to provide:

- a. A building of not less than one thousand (1,000) square feet of properly lighted, air conditioned floor space for the purposes of providing all amenities typically found at comparable markets or called for by market conditions.
- b. A hangar of not less than five thousand (5,000) square feet.
- c. A paved apron of not less than five thousand (5,000) square feet.

ARTICLE 9

THROUGH-THE-FENCE OPERATIONS

Section 1 Statement of Concept

Requests for a Through-The-Fence Operation, as defined in this document, shall be considered and evaluated by the City on a case-by-case basis. Factors to be considered by the City in granting permission for this type of operation include, but are not limited to, the safety and security of the Airport, the amount of public demand for the type of aeronautical operation or business being proposed (if applicable), equitable compensation to the City for the use of Airport property and facilities, and the best interests of the Airport, the Airport users, and the local community. Prior to allowing access to the AOA, a written agreement describing the terms and conditions under which a Through-the-Fence Operation will be permitted shall be executed by the City and the Operator, and approved by the FAA.

Section 2 Obligations

As stated by the FAA/FDOT Advisory Circular for the establishment of minimum standards for commercial aeronautical services, AC No: 150/5190-7:

- a. **No Obligation to Permit Through-the-Fence.** The obligation to make an Airport available for the use and benefit of the public does not require the City to permit ground access by aircraft from adjacent property. Through-the-fence arrangements can place an encumbrance upon the Airport property and reduce the Airport's ability to meet its Federal obligations. As a general principle, the FAA does not support agreements that grant access to the public landing area by aircraft stored and serviced off-site on adjacent property.

- b. **Option to grant through-the-fence access.** The Airport may grant through-the-fence access on a case-by-case basis, but only when the Airport retains its ability to meet its Federal obligations. To minimize the possibility of conflict between a through-the-fence agreement and the Airport's ability to meet its Federal obligations, the City must retain the legal right to require the off-site property owner or party granted access to the Airport to conform, in all respects, to the requirements of any existing or proposed grant agreement or Federal property conveyance obligation. This includes requirements to ensure operating safety and equitable compensation for use of the Airport. Special safety and operational requirements shall be incorporated into any access agreement to ensure that the through-the-fence access does not complicate the control of vehicular and aircraft traffic or compromise the security of the AOA.

- c. **Access Agreement.** Any through-the-fence access shall be subject to a written agreement between the City and the party granted access. The access agreement shall specify what specific rights of access are granted; payment provisions that provide, at a minimum, parity with similarly situated on-Airport tenants and equitable compensation for the use of the Airport; expiration date; default and termination provisions; insurance and indemnity provisions; and a clear statement that the access agreement is subordinate to the grant assurances or Federal property conveyance obligations and that the sponsor shall have the express right to amend or terminate the access agreement to ensure continued compliance

with all grant assurances and Federal property conveyance obligations. The access agreement shall have a fixed contract period and the City is under no obligation to accept a proposed assignment or sale of the access agreement by one party to another. The City expressly prohibits the sale or assignment of the access agreement.

ARTICLE 10

NON-COMMERCIAL HANGAR

Section 1 Statement of Concept

This section provides guidance for those individuals or business entities that desire to lease property from the City to construct a hangar for the non-commercial storage of their own aircraft. The following minimum standards shall apply.

Section 2 Minimum Standards

The land leased by the City to the Tenant shall be the minimum area necessary to construct the following facilities:

- a. A hangar of not less than three thousand five hundred (3,500) square feet, with separate office/storage space of not less than one thousand (1,000) square feet which is air conditioned and properly lighted.
- b. A paved apron of not less than three thousand five hundred (3,500) square feet.

Section 3 Permitted Uses

Lessee shall use the leased premises solely for storage and servicing of their own aircraft. No commercial activity of any kind shall be permitted on the premises unless authorized in the lease agreement with the City.

ARTICLE 11

MINIMUM CONSTRUCTION AND DESIGN STANDARDS

Section 1 Statement of Concept

The intent of these Design Standards is to ensure consistent, high quality development and to protect and enhance the investment of all those locating within the Airport. These standards provide a basis for directing and evaluating the planning and architectural design of improvements to each parcel.

Section 2 Minimum Standards

Buildings may not be constructed on Airport property, unless approved by the Airport for conformance in each of the following areas:

- a. Compliance with City site plan requirements, and all applicable building and zoning codes.
- b. Consistency with the current Airport Layout Plan.
- c. Compliance with all applicable building restriction lines and height restrictions.
- d. Avoid interference with any Airport or FAA radio or guidance equipment due to location or type of structural material.
- e. Access is provided to the proposed building, including any required easements, roads, or taxiways.
- f. All paved access to the Airport's runway and taxiway system, intended for aircraft use, must be in compliance with all applicable FAA/FDOT airfield pavement design and construction standards.
- g. Obtain an approved lease agreement with the City or an approved sublease with an existing authorized tenant of the Airport. Such lease to include all areas deemed necessary to the normal use of the building and all aeronautical functions necessary with the normal operations of the business. This provision may be waived, in whole or in part, by the Airport to facilitate Airport operations or access. Requests for waiver must be in writing, shall state the reason for the waiver and shall state in detail the mitigating measures to be taken with respect to potential adverse impacts that may arise from granting the requested waiver.
- h. All newly constructed hangars must include plans for apron space directly in front of the hangar that is equal to, or exceeds, the square footage of the hangar itself in order to accommodate the maneuvering of aircraft in and out of the hangar.
- i. Provide adequate paved automobile parking facilities for customers and employees as provided for by State, and local laws, ordinances and other requirements.

Section 3 Additional Requirements

These standards shall apply to all properties on the Airport, and are in addition to any other jurisdictional requirements.

Copies of all structural plans, site plans, and material specifications developed by a certified architect or engineer shall be provided to the Airport Director for review and approval and, upon approval, shall become the property of the City. Final colors and materials shall be as approved by the Airport Director,

Airport staff shall make frequent inspections during construction of any approved building. No changes to, or variations from, approved plans and specifications shall be permitted unless approved in writing by the Airport Director.

Construction of any approved structure or material component thereof, may not commence until the following documents or proofs thereof are provided to the Airport:

- a. Contractor's Comprehensive General Liability Insurance and automobile Liability Insurance policies in an amount not less than that provided in Attachment "B".
- b. Property insurance upon the entire work at the site to the full insurable value thereof. This insurance shall include the interest of the Lessee, the Contractor, and Subcontractors in the work and shall insure against the perils of fire and extended coverage and shall include "all risk" insurance for physical loss or damage including, without duplication of coverage, theft, vandalism and malicious mischief.
- c. Performance, Material and Labor Payment Bond payable to the City in an amount equal to the entire cost of the project. In addition, a one (1) year maintenance bond equal to ten percent (10%) of the amount of the Performance, Material and Labor Payment Bond shall be required upon substantial completion of the work.
- d. Temporary buildings must be approved by the Airport Director in coordination with the Planning Director as to type, use, design and location on an individual basis for a specified term and that removal of temporary buildings shall be done by the Lessee or Licensee, at his expense, within fifteen days of the end of the approved term.
- e. In the event of any failure on the part of any Lessee to comply with Airport requirements or any failure to complete a construction project according to the approved plans and specifications, or within a reasonable time as determined by the City, shall be cause for the City to revoke any ground lease with the Lessee of the project and require that the structure be removed from the Airport property. In addition to the foregoing remedies, the Airport and the City shall retain all other remedies provided by the lease or as provided by law.

Appendix A – Amendments

Amendment #	Date of Approval	Amendment Description

Appendix B – Quick Reference Guide - Minimum Space Requirement

Minimum Space Quick Reference Guide

	FBO	Aircraft Repair & Maintenance	Aircraft Rental	Flight Training	Aircraft Sales	Charter & Taxi	Non-Commercial Hangar
Building Office	*3,000 SF	1,000 SF	1,000 SF	3,000 SF	1,000 SF	1,000 SF	1,000 SF
Hangar	*12,000 SF	5,000 SF	5,000 SF	5,000 SF	5,000 SF	5,000 SF	3,500 SF
Paved Apron	50,000 SF	5,000 SF	5,000 SF	5,000 SF	5,000 SF	5,000 SF	3,500 SF

* Denotes space can be cumulative among all like FBO structures to meet the specific requirement.