



# **Delaware Coastal Airport Policies**

## **Volume IV: Minimum Standards for Commercial Aeronautical Activity**

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# **1. Introduction**

## **1.1 Purpose and Scope**

1.1.1 The purpose of these Minimum Standards is to (1) encourage the provision of high quality products, services, and facilities to Airport users, (2) encourage the development of quality Improvements at the Airport; (3) promote safety, (4) promote the economic health of Airport businesses, (5) promote the orderly development of Airport property and (6) promote the health and growth of general aviation. To this end, all Entities desiring to engage in Commercial Aeronautical Activities (Activities) at the Airport shall be accorded reasonable opportunities, without unjust discrimination, to engage in such Activities, subject to the rules and regulations set forth in these Minimum Standards.

1.1.2 The following sections set forth the minimum standards for an Entity desirous of engaging in one or more Activities at the Airport. These Minimum Standards are not intended to be all-inclusive. Any Entity engaging in Activities at the Airport shall comply with all applicable Regulatory Measures pertaining to such Activities.

1.1.3 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. Determination of what constitutes an acceptable "minimum" and whether or not an Operator is in compliance with a standard shall be at the sole and exclusive discretion of the County. All Operators are encouraged to exceed the "minimums". No Operator shall occupy land or Improvements or engage in Activities at the Airport under conditions less than the "minimum".

1.1.4 Activities may exist which are too varied to reasonably permit the establishment of specific minimum standards. When specific Activities are proposed which do not fall within the categories in these Minimum Standards, the County shall develop appropriate minimum standards on a case-by-case basis and incorporate them into any Agreement or Permit relating to the occupancy or use of Airport land or Improvements or engaging in Activities, taking into consideration the desires of the Operator, the Airport, and the public interest in or demand for such Activities at the Airport.

1.1.5 Specialized Aviation Service Operators (SASOs) are encouraged to be subtenants of Fixed Base Operators (FBOs). However, if suitable land or Improvements are not available or cannot be secured from an FBO, SASOs may sublease Improvements from another SASO, lease land from the County and construct Improvements on such land in the areas designated by the County, or lease Improvements from the County.

## **1.2 Applicability**

1.2.1 These Minimum Standards shall apply to all providers of aeronautical services at the Delaware Coastal Airport.

1.2.2 These Minimum Standards shall not be deemed to modify any existing Agreement under which an Entity is required to exceed these Minimum Standards, nor shall they prohibit the Airport from entering into or enforcing an Agreement that requires an Entity to exceed the Minimum Standards.

1.2.3 Operators currently providing Activities have 12 months from the date of the adoption hereof to become compliant with these Minimum Standards, unless otherwise determined by the County.

1.2.4 These Minimum Standards do not apply to

1.2.4.1 Free-lance FAA-certified flight instructors providing instruction in aircraft not owned by the instructor

1.2.4.2 FAA-certified mechanics providing services not normally available at the Airport to tenants of Aircraft storage spaces (including tie-downs) at the tenant's assigned storage space

1.2.4.3 FAA-certified mechanics providing services to itinerant aircraft to the extent required to make the Aircraft airworthy

### **1.3 *Review and Update***

1.3.1 The County shall review and update this document within 36 months of the last adoption by the County.

1.3.2 Minimum standards not updated within 36 months shall remain in effect until updated.

## **2. General Requirements**

### **2.1 *Experience/Capability***

2.1.1 Operators shall demonstrate, in the sole judgment of the County, the capability of providing good quality products, services, and facilities or engaging in Activities in a good and workmanlike manner.

2.1.2 Operators shall demonstrate, in the sole judgment of the County, the financial responsibility and capability to develop and maintain Improvements; procure and maintain required vehicles, equipment, or Aircraft; employ personnel; and engage in the Activity.

### **2.2 *Agreement/Approval***

2.2.1 No Entity shall engage in an Activity unless an Agreement authorizing such Activity has been entered into, and the Entity has received approval from the County to conduct the Activity at the Airport.

2.2.2 Future Agreements shall not reduce or limit Operator's obligations with respect to these Minimum Standards.

**2.3 *Restricted Activities***

2.3.1 Activities not explicitly identified in these Minimum Standards shall be restricted at the Airport. No Entity shall engage in restricted activities at the Airport without the prior written permission of the County.

**2.4 *Facility Maintenance***

2.4.1 Operators shall maintain the Leased Premises including, but not limited to, all related and associated appurtenances, landscaping, paved areas, installed Equipment, utility services, and security lighting in a neat and orderly condition as determined by the County.

2.4.2 Operators shall provide all necessary cleaning services for its Leased Premises, including janitorial and custodial services, trash removal services, and any related services necessary to maintain the Improvements in good condition, normal wear and tear excepted. If any such contracted services provider is provided access to the airfield, said contractor's access, whether authorized or not, will be the responsibility of the Lessee.

2.4.3 Operators shall replace in like kind, as determined by the County and/or property owner, any property damaged by its Employees, patrons, or Operator's Activities.

**2.5 *Products, Services, and Facilities***

2.5.1 Operators shall furnish their services on a reasonable, and not unjustly discriminatory, basis to all users thereof. They may charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the Operator may make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

2.5.2 Operators shall conduct its Activities on and from their Leased Premises in a safe, efficient, manner consistent with the degree of care and skill exercised by experienced operators providing comparable products, services, and facilities and engaging in similar Activities from similar leaseholds in like markets.

**2.6 *Non-Discrimination***

2.6.1 Operator shall not discriminate against any person or class of persons by reason of race, color, creed, sex, religion or national origin in providing any products or services or in the use of any of its facilities provided for the public, in any manner prohibited by applicable Regulatory Measures.

**2.7 *Licenses, Permits, Certifications, and Ratings***

2.7.1 Operator and Operator's personnel shall obtain and comply with, at Operator's sole expense, all necessary licenses, permits, certifications, or ratings required for the conduct of Operator's Activities at the Airport as required by the County or any other duly authorized Agency prior to engaging in any Activity at the

Airport. Upon request, Operator shall provide copies of such licenses, permits (including building permits), certifications, or ratings to the Airport Manager.

**2.8 *Personnel***

2.8.1 Operator shall have in its employ, on duty, and on premises during operating hours, trained personnel in such numbers as are required to meet these Minimum Standards and to meet the reasonable demands of the aviation public for each Activity being conducted in a safe and efficient manner.

2.8.2 Operator shall provide responsible and qualified supervisory personnel to supervise Activities and such personnel shall be authorized to represent and act for and on behalf of Operator during all hours of Activities. When such personnel are not on the Leased Premises, he/she/they shall be immediately available by telephone or pager.

**2.9 *Multiple Activities***

2.9.1 When more than one Activity is conducted, Operators shall meet the requirements for each Activity. Requirements shall not necessarily be cumulative.

2.9.2 Operators shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed except that multiple uses can be made of all aircraft owned or under lease by Operator except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.

**3. Fixed Base Operator (FBO)**

**3.1 *Definition***

3.1.1 Fixed Base Operator means a commercial Entity who engages in the primary activity of Aircraft refueling and a minimum of one (1) of the following secondary activities pursuant to an Agreement with the Sussex County Council: flight training; aircraft rental; the sale, storage and/or hangaring of Aircraft; the services of maintenance, repair and/or modification of Aircraft, engines or other equipment; air charter or air taxi operations; the cleaning and provisioning of aircraft; and the provision of transient and related services.

**3.2 *Minimum Standards***

3.2.1 The FBO shall maintain at least one (1) single product truck for dispensing AVGAS. The truck shall meet all Federal, State, and County standards for fuel handling equipment.

3.2.2 FBO shall provide one (1) 10,000 gallon above ground AVGAS storage tank and shall meet all applicable Federal, State, and County standards for fuel storage.

3.2.3 FBO shall provide fuel and oil dispensing service eight (8) hours per day, seven days a week.

3.2.4 FBO shall maintain insurance specified in Appendix A.

## **4. Aircraft Maintenance Operator (SASO)**

### **4.1 Definition**

4.1.1 An Aircraft Maintenance Operator is a Commercial Operator engaged in providing maintenance, preventive maintenance, rebuilding, and alteration of Aircraft airframes, engines, propellers, appliances, or component parts of such Aircraft (as described in FAR Part 43, Appendix A). Typically, this type of repair is performed on the aircraft, although it may also include the bench repair of items removed from an aircraft that are intended to be replaced on that aircraft. This category of service also includes the sale of aircraft parts and accessories.

### **4.2 Minimum Standards**

4.2.1 SASO shall provide aircraft maintenance services eight (8) hours per day, five (5) days per week.

4.2.2 SASO shall employ and have on duty during the appropriate business hours, not less than one (1) person who possesses the appropriate FAA certificate(s) for the work being performed.

4.2.3 SASO shall provide a permanent building or hangar facility appropriate to the work performed.

4.2.4 SASO shall make available restrooms and customer and employee parking.

4.2.5 SASO shall maintain insurance specified in Appendix A.

## **5. Aircraft Rental Operator (SASO)**

### **5.1 Definition**

5.1.1 An Aircraft Rental Operator is a Commercial Operator engaged in the leasing or rental of general aviation Aircraft to the public.

### **5.2 Minimum Standards**

5.2.1 SASO shall own or have exclusive lease (in writing) of one (1), two-seat Aircraft. Aircraft will be maintained in accordance with all applicable FAA regulations.

5.2.2 SASO shall maintain insurance specified in Appendix A.

## **6. Flight Training Operator (SASO)**

### **6.1 Definition**

6.1.1 A Flight Training Operator is a Commercial Operator engaged in providing flight instruction to the public and/or providing such related ground school

instruction as is necessary to complete the knowledge and/or practical tests for any category of pilot certificate or rating.

## **6.2 *Minimum Standards***

6.2.1 The SASO shall have available for use in flight training an aircraft properly certified for use in the flight instruction being offered.

6.2.2 The SASO shall employ at least one (1) flight instructor who has been properly certified by the FAA to provide the type of training offered.

6.2.3 SASO shall maintain insurance specified in Appendix A.

## **7. Aircraft Sales Operator (SASO)**

### **7.1 *Definition***

7.1.1 An Aircraft Sales Operator is a Commercial Operator engaged in purchasing and selling of new and/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.

### **7.2 *Minimum Standards***

7.2.1 SASO shall maintain insurance specified in Appendix A.

## **8. Aircraft Storage Operator (SASO)**

### **8.1 *Definition***

8.1.1 An aircraft storage operator leases and rents hangars or hangar space, multiple T-hangars, and/or tie-down space to aircraft owners or operators solely for aircraft storage purposes.

### **8.2 *Minimum Standards***

8.2.1 SASO shall maintain insurance specified in Appendix A.

## **9. Air Charter or Air Taxi Operator (SASO)**

### **9.1 *Definition***

9.1.1 An Aircraft Charter or Air Taxi Operator provides air transportation of persons or property to the general public for hire, either on a scheduled or unscheduled basis, or as defined by the FAR Parts 119 and 135.

### **9.2 *Minimum Standards***

9.2.1 SASO shall have available for charter or air taxi, either owned or under written lease to SASO, at least one Aircraft, FAA-certified and currently airworthy, for visual and/or instrument flight conditions.



9.2.2 If a helicopter is used, helicopter must be equipped for VFR at night and VFR over-the-top conditions.

9.2.3 SASO shall employ one FAA-certificated Commercial Pilot, appropriately rated to conduct the type of air service offered.

9.2.4 SASO shall establish and publish its hours of operation and telephone numbers, including a number to be used in case of an emergency.

9.2.5 SASO shall make available a customer waiting area capable of accommodating the largest number of passengers carried by any single owned or leased Aircraft. Waiting areas must have access to a restroom.

9.2.6 SASO shall maintain insurance specified in Appendix A.

## **10. Specialized Commercial Aeronautical Operators (SASO)**

### **10.1 Definitions**

10.1.1 A Specialized Commercial Aeronautical Operator is a Commercial Operator engaged in providing Limited Aircraft Services and Support, Miscellaneous Commercial Services and Support, or Air Transportation Services for Hire.

10.1.1.1 **Limited Aircraft Services and Support** - are defined as limited Aircraft, engine, or accessory support (for example, washing, cleaning, painting, upholstery, etc.) or other miscellaneous Activities directly related to Aircraft services and support.

10.1.1.2 **Miscellaneous Commercial Services and Support** - are defined as charter flight coordinators, aircrew or aviation management, aerial advertising, or any other miscellaneous Activities directly related to supporting or providing support services for a Commercial Activity.

10.1.1.3 **Air Transportation Services for Hire** - are defined as non-stop sightseeing flights (flights that begin and end at the Airport and are conducted within 25 statute mile radius of the Airport); flights for aerial photography or survey; firefighting; power line, underground cable, or pipe line patrol; or any other miscellaneous Activities directly related to air transportation services for hire (e.g., helicopter operations in construction or repair work).

### **10.2 Minimum Standards**

10.2.1 SASO shall provide dedicated space for employee office, work areas, and storage to accommodate the functions associated with the Activity.

10.2.2 SASO shall maintain insurance specified in Appendix A.

## **11. Procedural Guidelines for Commercial Aeronautical Activity Application/Permit**

### **11.1 Application**

11.1.1 Any Entity without an existing Agreement desiring to engage in a Commercial Aeronautical Activity at the Airport must submit an application to the Airport for a Commercial Activity Permit. The application must contain all information necessary to describe the proposed Activity.

11.1.2 The prospective Operator shall submit any additional information that may be required or requested by the Airport in order to properly evaluate the application and/or facilitate an analysis of the prospective operation.

### **11.2 Approval**

11.2.1 Once completed, the application and all accompanying materials shall be submitted to the Airport Manager for review.

11.2.2 The Airport Manager will review the application package for completeness. No application will be deemed complete that does not provide the Airport and County with the information necessary to allow the Airport and County to make a meaningful assessment of applicant's prospective operation and determine whether or not the prospective operation will comply with all applicable Regulatory Measures (including all applicable Airport Policy Documents) and be compatible with the Airport's Master Plan.

11.2.3 After review by the Airport Manager, the application will be sent to the Sussex County Council for review and approval.

11.2.4 After the County approves the application and evidence of adequate insurance coverage has been supplied to the County, a Permit will be issued.

### **11.3 Reasons for Disapproval**

11.3.1 The applicant does not meet qualifications standards and requirements established by these Minimum Standards.

11.3.2 The applicant's proposed operations or construction will create a safety hazard on the Airport.

11.3.3 The granting of the application will require the expenditure of County funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to Sussex County.

11.3.4 There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.

11.3.5 The proposed operation, Airport development, or construction does not comply with the approved Airport Layout Plan.

- 11.3.6 The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present FBO or SASO on the Airport.
- 11.3.7 Any party applying or having an interest in the business has supplied false information or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
- 11.3.8 Any party applying or having an interest in the business has a record of violating the Rules or the Rules and Regulations of any other Airport, Federal Aviation Regulations, or the Rules and Regulations of this Airport.
- 11.3.9 Any party applying or having an interest in the business has defaulted in the performance of any lease or other Agreement with the Delaware Coastal Airport or any lease or other Agreement on any other airport.
- 11.3.10 Any party applying or having an interest in the business is not sufficiently credit worthy and responsible in the judgment of the Sussex County Council to provide and maintain the business to which the application relates and to promptly pay amounts due under a permit/lease.

**11.4 *Permit***

11.4.1 The Permit will be valid for the time period specified as long as the Operator meets the following requirements:

11.4.1.1 The information submitted in the Application is current. The Operator shall notify the Airport Manager in writing within fifteen (15) days of any change to the information submitted in the Application.

11.4.1.2 The Operator is in compliance with all applicable Regulatory Measures including, but not limited to, these Airport Policy Documents.

11.4.2 The Permit may not be assigned or transferred without written approval by the Airport Manager or designee and shall be limited solely to the approved Activity.

**11.5 *Existing Operator with an Existing Agreement***

11.5.1 No Change in Permitted Activities

11.5.1.1 An existing Operator with an existing Agreement may engage in the Activities permitted under the Agreement without submitting an application for Permit provided that the Operator is in compliance with all applicable Regulatory Measures including, but not limited to, Delaware Coastal Airport Policies.

11.5.2 Change in Permitted Activities

11.5.2.1 Prior to engaging in any Activity not permitted under the Agreement or changing or expanding the scope of the Activities permitted under the Agreement, the Operator shall submit an application and obtain a Permit.

## **12. Appendix A.**

### **12.1 *Insurance requirements***

## Delaware Coastal Airport Insurance Matrix

Activity/Operator	Workers' Compensation / Employers Liability Statutory Limits	Airport Liability \$1,000,000 Per Occurrence	Products/ Completed Operations \$1,000,000 Per Occurrence & Aggregate	Hangarkeepers Liability \$1,000,000 Per Occurrence See Note 3	Aircraft Liability \$1,000,000 Per Occurrence	Student/Renters Liability \$100,000 Per Occurrence	Non-owned Aircraft Liability \$1,000,000 Per Occurrence	Business Automobile \$1,000,000 Per Accident See Note 5
Aviation Fuel Sales	X	X	X	X				X
Aircraft Maintenance <sup>#</sup>	X	X	X	X				
Aircraft Storage	X	X		X				
Aircraft Rental <sup>#</sup>	X	X				X		
Flight Training <sup>#</sup>	X	X				X		
Aircraft Sales <sup>#</sup>	X	X	X					
Air Charter or Air Taxi	X				X			
Specialized Commercial Aeronautical Services	X	Insurance Requirements Subject to Risk Analysis						
<sup>#</sup> For Activities Involving Flight Operations, Owned/Leased/Managed Aircraft Operations <span style="float: right;">X</span> Non-Owned Aircraft Operations <span style="float: right;">X</span>								

**Notes:**

1. All Operators shall:
  - a. Provide the Airport Manager current certificates of insurance that name "Sussex County, its elected and appointed officials and employees" as additional insureds with a waiver of subrogation as respects liability arising from Operator's activities at Delaware Coastal Airport on all required insurance other than workers compensation/employers liability. If Operator carries higher insurance limits than the minimums required, those higher limits must be shown on the provided certificate of insurance.
  - b. Waive any right of recovery from Sussex County, its elected and appointed officials and employees for loss of or damage to aircraft used in permitted activities.
2. When more than one Activity is conducted, Operators shall meet the requirements for each Activity. Requirements shall not necessarily be cumulative.
3. Upon request by Operator, Sussex County will perform a risk analysis based on the number and types of aircraft to be serviced/stored that may result in a lower limit requirement.
4. Risk Analyses are subject to Sussex County Administrator approval.
5. Applies to fuel trucks not covered by Operator's Airport Liability insurance, while operated on Airport Premises.

*Adopted by Sussex County Council July 24, 2018*