

MINIMUM STANDARDS

FOR AERONAUTICAL SERVICES AT THE  
SHENANDOAH VALLEY REGIONAL AIRPORT  
WEYERS CAVE, VIRGINIA 24486

REVISED JULY 21, 2010

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WHEREAS, the Shenandoah Valley Regional Airport Commission (the Commission) has previously adopted Minimum Standards for commercial aeronautical activities to be conducted on the Shenandoah Valley Regional Airport (the Airport);

WHEREAS, the Commission desires to amend and restate its Minimum Standards for aeronautical services to be provided at the Airport;

WHEREAS, the Commission is the owner of a public airport which has been developed and improved with Federal funds;

WHEREAS, the Commission desires to establish these Minimum Standards as a threshold for those persons wishing to establish facilities on the Airport for the purpose of providing aeronautical services to the public.

NOW, THEREFORE, the Commission hereby establishes these Minimum Standards for the Shenandoah Valley Regional Airport.

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## **SECTION I.**

## **GENERAL PROVISIONS**

### **A. PURPOSE**

The minimum standards contained in this document (the Minimum Standards) are intended to provide the minimum threshold requirements for any person wishing to provide aeronautical services to the public on the Airport. These Minimum Standards are designed to assure the flying public of a certain level of service on the Shenandoah Valley Regional Airport as well as protecting the existing aeronautical service providers from unqualified persons offering aeronautical services on the Airport. The Minimum Standards are intended to be reasonable and non-discriminatory. They shall be observed and abided by. The Shenandoah Valley Regional Airport reserves the right to change or update the Minimum Standards on a periodic basis.

### **B. DEFINITIONS**

- 1) Aeronautical Activity means any activity commonly conducted at the Airport which involves, makes possible, or is required for the operation of aircraft, of which contributes to or is required for the safety of such operations. These activities include but are not limited to the following: general and corporate aviation, air taxi and charter operations, scheduled and nonscheduled air carrier operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft or sale of aircraft parts and aircraft storage.
- 2) Aeronautical Operator means any person or entity that provided an aeronautical service at the Airport which is not provided by the Commission.
- 3) Aeronautical Operator Lease means any (a) lease agreement between the Commission and an aeronautical operator leasing property at the Airport, or (b) sub-lease agreement approved by the Commission between any tenant at the Airport and any person sub-leasing property at the Airport, in either case, for the purpose of providing aeronautical services at the airport.
- 4) Aeronautical Service means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a lease or permit from the Commission to provide such service.
- 5) Aircraft means a device which is used or intended to be used for flight in air. Examples of aircraft include but are not limited to: airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter or auto gyro), balloon and blimp.

- 6) Airport means the Shenandoah Valley Regional Airport and all of the area, buildings, facilities and improvements within the boundaries of said airport as it presently exists or as it may exist when it is hereafter modified.
- 7) AGL means altitude expressed in feet measured above ground level.
- 8) ALP means the current Airport Layout Plan for the Shenandoah Valley Regional Airport which has been approved by the FAA.
- 9) Air Operations Area or AOA means the area of the Airport used or intended to be used for landing and takeoff or surface maneuvering of aircraft including the associated hangars and navigation and communication facilities.
- 10) Airport Manager means the person employed but the Commission to manage the Airport.
- 11) FAA means the Federal Aviation Administration and its successors.
- 12) FAR means the Federal Aviation Regulations as published and amended from time to time.
- 13) Fixed Base Operator or FBO means the Commission which is the exclusive provider of aviation fuels on the Airport.
- 14) FSDO means Flight Standards District Office (FAA).
- 15) IFR means the Instrument Flight Rules which govern the procedures for conducting instrument flight.
- 16) Landside means all buildings and surfaces used by surface vehicular and pedestrian traffic at the Airport.
- 17) Minimum Standards means the standards which are established by the Commission and amended from time to time, as the minimum requirements to be met by a tenant, sub-tenant or proposed tenant as a condition for the right to provide aeronautical services to the public at the Airport.
- 18) MSL means altitude expressed in feet measured from Mean Sea Level.
- 19) NFPA means National Fire Protection Association.

- 20) Normal Business Hours means 8:00 am to 5:00 pm Monday through Friday unless modified by the Commission in writing.
- 21) NOTAM means a Notice to Airmen published by the FAA. A method of notifying the flying public of conditions at the Airport that may affect flight.
- 22) NTSB means the National Transportation Safety Board and its successors.
- 23) Permit means a permit issued pursuant to Section I-E of these Rules and Regulations.
- 24) Permit Holder means a person to whom a permit has been issued pursuant to these Rules and Regulations.
- 25) Person means individual, firm, partnership, corporation, company, association or other entity.
- 26) Shall means mandatory and not directory.
- 27) Special Event means an aeronautical activity which does not comply with these Rules and Regulations or which, although it may comply with these Rules and Regulations may require an accommodation by other users of the Airport. Special Events include but are not limited to: fly-ins, skydiving, exhibitions, balloon operations, and similar events and activities.
- 28) The Commission means the Shenandoah Valley Regional Airport Commission established under Chapter 628, Virginia Acts of Assembly (1956), pursuant to the provisions of Article II, Chapter III, Title 5 of the Code of Virginia.
- 29) Unicom means a nongovernmental communication facility which may provide airport information at certain airports. Locations and frequencies are shown on aeronautical charts and publications.
- 30) VFR means Visual Flight Rules which govern the procedures for conducting flight under visual conditions as described in FAR Part 91.
- 31) WADO means the FAA Washington Airports District Office.

### **C. AUTHORIZATION TO OPERATE AT THE AIRPORT**

An aeronautical operator must meet the following prerequisites to operate at the Airport:

- 1) Obtain the consent of the Commission through the application process set forth in these Minimum Standards or obtain a permit from the Airport Manager as provided for in the Airport Rules and Regulations.
- 2) Obtain and comply with all requirements for appropriate licenses from any governmental authority to operate the aeronautical activity.
- 3) Enter into a written agreement with the Commission in which the operator agrees to accept, be bound by, comply with and conduct business operations in accordance with the Minimum Standards, as amended from time to time. The Aeronautical Operator further understands that in the conduct of all of its operations at the Airport, public safety and public interest is paramount.
- 4) Deliver to the Commission a Certificate of Insurance in a form acceptable to the Commission.

### **D. BUSINESS NAME**

No person or entity shall provide an aeronautical activity on the Airport under a business name identical or substantially similar to the business name of any other Aeronautical Operator on the Airport.

### **E. APPLICATION**

- 1) Application for Lease to call on any aeronautical activity must be made in accordance with these Minimum Standards and signed by all parties owning an interest in the business including each partner, director, or corporate officer, and those who will be managing the business.
- 2) A copy of the application, together with all supporting documentation, shall be submitted to the Airport Manager no later than twenty working days prior to any regularly scheduled meeting of the Commission.
- 3) Incomplete applications will be returned for additional information and completion and will be delayed until the application is complete.
- 4) The application shall contain the following information:

- a) A written proposal detailing the nature of the proposed aeronautical service to be provided, space and facility requirements and proposed location on the Airport.
- b) A current financial statement prepared or certified by a certified public accountant, if available, or if not, a current financial statement as provided to a financial institution, or if neither is available, then a current financial statement prepared by the applicant. The Commission shall be entitled to consider type of financial statement in evaluating the applicant's financial ability to provide responsible, safe, and adequate service to the public.
- c) A written listing of assets owned, leased or being purchased which will be used in the business on the Airport. Copies of any leases or purchase contracts must be attached.
- d) A current credit report covering all areas in which the applicant has done business in the past ten years.
- e) A written authorization for the FAA and all aviation or aeronautical commissions, administrators, or departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be requested by those agencies.
- f) Preliminary plans and dates for any improvements which the applicant intends to make on the Airport as part of the activity for which approval is sought.
- g) Such other information as the Commission may require.

Note: If requested by the applicant, the Airport Manager shall hold the financial information included with the application separate from the application, and not available for public inspection, provided the applicant requests confidentiality in accordance with the Virginia Freedom of Information Act. All other provisions of the application shall be available for public inspection.

- 5) All applications will be reviewed and decided upon at the next regularly scheduled meeting of the Commission once the application is deemed complete, the information verified and the references checked. Applications may be denied for any of the following reasons:

- a) The applicant does not meet the qualifications, standards and requirements established by these Minimum Standards.
- b) The applicant's proposed operations or construction will create a safety hazard on the Airport.
- c) The granting of the application will require the undesirable expenditure of local funds, labor or materials, or the operation will result in a financial loss to the Commission.
- d) There is no appropriate, adequate or available space or building on the Airport to accommodate the entire activity of the applicant.
- e) The proposed operation, Airport development or construction does not comply with the Airport layout plan.
- f) The development or use of the area requested will result in depriving existing aeronautical operators of portions of the area in which they are operating, or will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present aeronautical operator on the Airport, such as problems in connection with aircraft traffic or service, or preventing free access and egress to the existing aeronautical operator area.
- g) Any party 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.
- h) Any party having an interest in the business has a record of violating these Minimum Standards or the Rules and Regulations, Civil Air Regulations or Federal Aviation Regulations.
- i) Any party having an interest in the business has defaulted in the performance of any lease or other agreement with the Commission.
- j) Any party having an interest in the business is not sufficiently credit worthy or responsible in the judgment of the Commission to provide and maintain the business to which the application relates and to promptly pay amounts due under the proposed lease agreement.

- k) The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
- l) The protection of the health, welfare or safety of the inhabitants of the community requires such denial.
- m) The Commission provides the aeronautical services on a proprietary exclusive basis.
- n) There are other contractual requirements of the Commission that must be met.

## **F. NON-AERONAUTICAL ACTIVITIES**

Nothing contained herein shall be construed to prohibit the Commission from granting or denying, for any reason it deems sufficient, an application to do business on the Airport for the purpose of selling, furnishing or establishing non-aviation products or supplies or any service or business of a non-aeronautical nature, or the application by a person for an area on the Airport for the personal non-profit use of such person.

## **SECTION II. MINIMUM STANDARDS**

### **A. AERONAUTICAL SERVICES**

- 1) No person shall use the Airport as an aeronautical operator without a valid aeronautical operator agreement, properly applied for and duly issued, or under a permit issued by the Airport Manager in accordance with Section I (F) of the Airport Rules and Regulations. An aeronautical operator will carry on or conduct only those services which are specified in the agreement of permit. No agreement will be issued unless the applicant has met the qualifications, standards and requirements of these Minimum Standards.
- 2) An aeronautical operator who has completed the application process specified in Section I (E) above has entered into an agreement with the Commission to conduct an aeronautical operation at the Airport to provide one or more of the following services **not** provided by the Commission on a proprietary exclusive basis:
  - a) Aircraft sales
  - b) On-demand air taxi operation as described under FAR Part 135
  - c) Scheduled air carrier operation under FAR Part 135
  - d) Aircraft rental

- e) Flight instruction and/or ground school
- f) Aircraft maintenance
  - 1. Airframe overhaul and repair
  - 2. Engine overhaul and repair
  - 3. Radio and electrical
  - 4. Instrument shop
  - 5. Aircraft interior
- g) Aviation fuels and oil dispensing
- h) Inside aircraft storage
- i) Outside aircraft storage
- j) Specialized flight services
  - 1. Aerial application operators (as specialized commercial flight service)
  - 2. Non-stop sightseeing flights within a 25-mile radius that begin and end at the Airport
  - 3. Banner towing
  - 4. Aerial photography and survey
  - 5. Fire fighting
  - 6. Power line or pipeline patrol
  - 7. Any other operations excluded from FAR Part 135

## **B. MINIMUM QUALIFICATIONS**

An aeronautical operator, in addition to meeting all other requirements and qualifications of these Minimum Standards, shall meet or exceed the following minimum qualifications for each type of service:

### 1) Aircraft Sales:

- a) Aircraft sales business at the Airport shall lease 120 square feet of office space with, or access to, rest rooms and an area of airport land sufficient in size to store and/or display a minimum of 2 aircraft or as many more as such operator reasonably expects to have on hand in such business at any one time. Automobile parking for employees and customers must also be provided.
- b) Have a minimum of one fully qualified demonstrator pilot employed with appropriate and current FAA pilot certificate and current Airman Medical Certificate.

- c) Shall provide personnel on duty during normal business hours, or at other times, subject to the operator's discretion with the prior written approval of the Commission.
- d) Have satisfactory arrangements at the Airport or at another airport for repair and servicing of aircraft sold with service guarantee.
- e) New aircraft dealers shall hold an authorized factory or sub-dealership and any permits required by federal, state or local law. A new aircraft dealer shall have available or on call at least one current model demonstrator. In the case of used aircraft, the acquisition and sale of three aircraft within a 12-month period shall constitute a dealership.

2) On-Demand Air Taxi As Described Under FAR Part 135:

- a) An operator shall lease from the Commission, or sub-lease with the approval of the Commission, 120 square feet of office space with, or access to, rest rooms and an area on the airport of sufficient size to accommodate all business activities and aircraft which will be used in the operation. Automobile parking for employees and customers must also be provided.
- b) An operator shall own or have under written lease a minimum of one aircraft based at the Shenandoah Valley Regional Airport which is so equipped and maintained to meet all requirements for the air taxi/commercial operator FAR Part 135 certificate held by the operator.
- c) Any operator engaging in air taxi service will have a minimum of one FAA certified commercial pilot who is appropriately rated to conduct air taxi service in the type of aircraft to be used.
- d) The operator shall provide personnel on duty during normal business hours, or at any other time, subject to the operator's discretion, with the prior written approval of the Commission. The operator shall also be available 24 hours a day with two hours notice, subject to crew and aircraft availability.

3) Scheduled Air Carrier Operations as Prescribed Under FAR Part 139:

- a) A commuter operator shall lease from the Commission at least 180 square feet of counter space, 110 square feet of office space and 250 square feet of baggage holding area other than office and counter space.

- b) All services, including but not limited to: security, baggage handling, servicing of aircraft and ticketing shall be the responsibility of the operator and their employees unless other written permission is granted by the Commission.

4) Aircraft Rental:

- a) The operator who engages in an aircraft rental business at the Airport shall lease from the Commission, or provide under terms acceptable to the Commission, 120 square feet of office space with, or access to, restrooms. The operator shall be required to lease an area on the Airport on a month-to-month basis of sufficient size to park or tie down a minimum of one aircraft whether or not occupied by the operator. Additional space is to be rented for as many aircraft as such operator reasonably expects to have on hand in such business at any one time.
- b) Provide and at all times maintain, at least one aircraft, owned or under a written lease by and in the exclusive control of the operator, which are properly equipped and FAA certified for rental and rental instruction.
- c) At least one aircraft must be equipped and FAA certified for IFR flight.
- d) The operator shall provide a properly FAA certified flight instructor on duty capable of conducting flight checks for prospective renters during normal business hours, or at other times, subject to the operator's discretion with the prior written approval of the Commission. A FAA certified flight instructor must be an owner employee or an existing airport service provider.
- e) Have adequate facilities or arrangements for storing, parking, servicing and repairing all of its aircraft. Arrangements for automobile parking for employees and customers must also be made.

5) Flight Instruction and/or Ground School

- a) The operator who engages in a flight instruction and/or ground school business at the Airport shall lease from the Commission, or provide under terms agreeable to the Commission, 120 square feet of office space, 80 square feet for a flight planning room and, if a ground school is part of such business, 150 square feet for a classroom, all with or access to restrooms. The operator shall be required to lease an area on the Airport on a month-to-month basis of

sufficient size to park or tie down at least one aircraft whether or not occupied by the operator. Additional space is to be rented for as many aircraft as such operator reasonably expects to have on hand in such business at any one time.

- b) The operator shall provide a minimum of one properly FAA certified flight instructor on duty during normal business hours or at other times subject to the operator's discretion with the prior written approval of the Commission. The flight instructor pilots must meet certification requirements of the FAA for flight instruction and maintain current certificates issued by the FAA and a current Airman Medical Certificate. The instructor must be physically present at the Airport whenever a student is flying.
- c) The operator shall provide at least one aircraft based at the Airport, one of which must be four-seated, and at least one aircraft must be equipped and FAA certified for IFR flight. These aircraft must be owned or under written lease and in exclusive control of the operator. The aircraft shall be properly equipped and FAA certified for flight instruction and rental. If ground school training is offered as part of such business, the operator shall have on hand and available for use such equipment and apparatus as would reasonably be expected to be available for such training.
- d) The operator shall demonstrate the continuing ability to meet requirements for certification of flight instructor personnel and aircraft by the FAA.
- e) The operator shall have adequate facilities or arrangements for storage, parking, tying down, servicing and repairing all of its aircraft. Arrangements for automobile parking for employees and customers must also be made.

#### 6) Aircraft Maintenance Services

- a) The operator who engages in an aircraft maintenance service business and sells parts and accessories at the Airport shall lease from the Commission, or provide under terms agreeable to the Commission, an area of airport land sufficient in size to provide 120 square feet of office space and a hangar having a minimum of 3600 square feet and in addition an area of ramp to tie down a minimum of three aircraft.
- b) The hangar required herein shall be equipped with such tools, machinery, equipment, parts and supplies as are normally necessary to conduct a full-time business operation in the maintenance service being offered and shall

be staffed by mechanic/mechanics and other full or part time personnel who are qualified, competent and who hold all necessary certificates required by the FAA. T-Hangars will not be used for commercial maintenance activities. Arrangements for automobile parking for employees and customers must also be made.

- c) The business of such maintenance service and sale of parts and accessories shall be staffed with competent personnel on duty to conduct business during normal business hours, or at other times, subject to the operator's discretion with the prior written approval of the Commission.
- d) The operator shall have adequate provisions for the removal/disposal of solutions, cleaning agents, lubricants and other hazardous wastes in compliance with federal, state and county regulations.
- e) The operator shall have the necessary equipment and personnel to promptly remove from the public landing area (as soon as permitted by the FAA, NTSB and Virginia State Police authorities) any disabled aircraft.
- f) If the business includes aircraft refinishing and painting it shall:
  - 1. Comply with and abide by all standards, rules, regulations and requirements of the Federal Aviation Administration, Virginia Department of Aviation & Environmental Quality, Environmental Protection Agency, OSHA, and any other local, state or federal governmental agencies having jurisdiction over aircraft painting and stripping operations.
  - 2. Comply with the current standards of the National Fire Protection Association on "Paint Spraying and Spray Booths" with regard to the arrangement, construction, and protection of spray booths and the storing and handling of materials used in conjunction with aircraft painting, varnishing and spray painting operations.
  - 3. Prohibit any stripping, painting, varnishing, doping, materials or agents, or any other contaminates from flowing into rivers, lakes, streams, etc., or being placed in any sewer system unless pretreated and the pretreating process has been approved in advance and in writing by the Commission.

4. Perform all aircraft stripping operations inside a hangar or building. Outside stripping must be approved in advance and writing by the Commission.
  5. Properly treat and dispose of all hazardous material in compliance with the governing agencies listed in Paragraph (1) above.
- g) If the following specialized commercial aeronautical services are to be provided separately the Commission will develop standards for them based on the scope of the service to be provided:
1. Airframe overhaul and repair
  2. Engine overhaul and repair
  3. Radio and electrical
  4. Instrument shop
  5. Aircraft Interior
- 7) Aviation Fuel and Oil Dispensing: The Airport Commission retains the proprietary exclusive right to be the sole fuel concession.
- 8) Inside Aircraft Storage: The aeronautical operator will enter into a separate agreement with the Commission depending upon the availability of inside storage facilities.
- 9) Outside Aircraft Storage: The aeronautical operator shall lease from the Commission or sublease under terms agreeable to the Commission, a paved tie-down area of sufficient size to accommodate all aircraft that would be parked or stored by the operator.
- 10) Specialized Flight Services
- a) Aerial application operator companies planning to use the airport as a temporary or permanent base for aerial application of pesticides, herbicides, fertilizer or any other material dispensed from aircraft must present to the Commission prior to mobilizing the following items:
1. Copy of Virginia operating pesticide permit.
  2. A certificate of insurance showing the applicant has chemical liability for the period of proposed operation.
  3. Copy of FAA waiver for aerial application.

4. A copy of operator emergency plan which must include 24 hour phone numbers of applicant's key personnel.
  5. Product labels and Material Safety Data Sheets (MSDS) for all materials being used.
  6. Operator must agree to have at least 200 pound of absorbent material on site for spill protection, plus shovels, brooms and containers with spill countermeasures.
  7. Must use a backflow preventer valve and ascertain a permit and agreement from the Augusta County Service Authority for all water needed.
  8. If pesticides are to be stored on Airport property, they must be locked in storage containers in a prearranged position designed by the Commission.
- b) When an application for the following specialized commercial aeronautical services is submitted, the Commission will develop standards for them based upon the scope of the activity or service to be provided:
1. Non-stop sightseeing flights within a 25-mile radius that begin and end at the Airport
  2. Banner towing
  3. Aerial photography, application and survey
  4. Fire fighting
  5. Power line or pipeline patrol
  6. Any other operations excluded from FAR Part 135

### **SECTION III.**

### **LEASE PROVISIONS**

The following are some of the lease provisions which will be included in the leases issued by the Commission:

#### **A. INSURANCE**

- 1) The aeronautical operator agrees to indemnify, defend, and save the Commission, its authorized agents, officers, representatives and employees harmless from and against any and all actions, penalties, liabilities, claims, demands, damages, or loss resulting from claims or court actions, whether civil or criminal or in equity, and arising directly or indirectly out of acts or omissions of the aeronautical operator, its agents, employees and servants.
- 2) To guarantee performance of the above, the aeronautical operator shall procure and maintain in force during the term of the lease and any extension or renewal thereof:

- a) Public liability insurance with an insurer having a best rating of B++. This insurance must be written on an “occurrence” basis, responding to claims arising out of any occurrences which may take place during the policy period. The general liability form shall provide limits of at least the following with no deductible:

\$1,000,000 each occurrence of bodily injury & property damage  
\$1,000,000 each incident for personal & advertising injury  
\$1,000,000 product-completed operation aggregate  
\$1,000,000 general aggregate

The insurance policy shall provide for contingent liability of lessor on any claim or loss, and lessor shall be named as an additional insured under lessee’s policy of insurance, as lessor’s interest may appear. Lessee shall instruct the insurer to notify lessor in writing by certified mail at least 30 days prior to cancellation or refusal to renew any policy. If the insurance policy is not kept in force during the entire term of this lease or any extension thereof, lessor may procure the necessary insurance and pay the premium thereof, and the premium shall be repaid to lessor as an additional rent installment for the month following the date on which the premiums were paid by lessor. Lessee shall file certificates of all insurance required with lessor.

- b) Insurance against fire, windstorm or other casualty, including all standard extended coverage available, upon all of lessee’s personal property, together with such medical payments coverage as lessee may desire. In connection therewith, lessee holds lessor harmless against loss or damage to lessee’s

person or property by reason of any casualty other than the negligence or fault of the lessor.

c) Insurance for aircraft registered in Virginia shall be in accordance with Code of Virginia, Chapter 8.1, Title 5.1-88.1 through 6, and the minimum coverage shall be as follows:

1. \$50,000 bodily injury or death of one person.
2. \$100,000 bodily injury or death of two or more persons.
3. \$25,000 property damage protection
4. \$250,000 single limit policy

**B. SUBLEASING/SALE OF LEASE**

No right, privilege, permit or use agreement to do business on the Airport, or any lease of any area of the Airport, shall be assigned, sold or otherwise transferred or conveyed in whole or in part without prior express written consent of the Commission. The operator or permittee shall not assign any of its rights and obligations contained in this agreement authorizing the conduct of an aeronautical service.

**C. ASSIGNED AREA**

No person authorized to operate on or conduct business activities at the Airport shall conduct any of its business or activities or park any aircraft on any areas except those specified in the lease or written agreement. An aeronautical operator shall not use any common use areas except as authorized by their lease agreement, permit or the Airport Rules and Regulations. All office space and customer lounges shall be properly heated and lighted and have sanitary rest rooms or access to sanitary rest rooms.

**D. COMPLIANCE WITH LAWS**

The aeronautical operator, its employees, agents, personnel and any person or entities providing services shall be competent and shall hold current valid certificates, permits, licenses or other authorities required by any federal or state authority. Aeronautical operators shall not utilize any pilot in any aircraft operations who does not hold valid and current certificates which are necessary to conduct their activities. In the event any certificate or authority is revoked by any governmental agency and the aeronautical operator ceases to meet all requirements of these Minimum Standards, the operator's agreement and authority to operate shall be revoked until such time as the operator shall have been restored by the governmental authority in order to meet the then current Minimum Standards to operate.

## **E. Termination**

- 1) The Commission shall have the right in its discretion to terminate any lease or other agreement authorizing the aeronautical operator to conduct any services or business at the Airport and to revoke any aeronautical operator agreement, authority or permit to do business at the Airport for any cause or reason provided in these Minimum Standards and the Airport Rules and Regulations, or by law, and in addition thereto, upon the happening of any one or more of the following:
  - a) Filing of a petition voluntarily or involuntarily for the adjudication of bankruptcy.
  - b) The making by the aeronautical operator of any general assignment for the benefit of creditors.
  - c) The abandonment or discontinuance of any permitted operation at the Airport by the aeronautical operator or the failure to conduct such operation on a full-time basis without prior approval.
  - d) Except for payment of rents, charges, fees and other payments to be paid to the Commission, the failure of any aeronautical operator to remedy any default, breach or violations by it or its personnel in keeping, observing, performing and complying with these Minimum Standards and the terms and conditions in any lease or agreement entered into pursuant hereto on the part of the aeronautical operator to be performed, kept or preserved within thirty (30) days from the date written notice from the Airport Management has been mailed or delivered to the place of business of the aeronautical operator at the Airport.
  - e) The failure to promptly pay, when due, all rents, charges, fees and other payments which are payable to the Commission by the aeronautical operator.
  - f) The aeronautical operator, or any partner, officer, director, employee or agent thereof commits any of the following:
    1. violates any of these Minimum Standards; or
    2. engages in unsafe, abnormal or reckless practices in the operation of an aircraft on or in the vicinity of the Airport, which creates a hazard to the safety of other Airport users, other aircraft, or the general public, or endangers property, or which could, if any emergency developed, result in causing personal injuries or death to a person or damage to property;or

3. causes personal injury to or the death of a person or property damage involving in excess of Ten Thousand Dollars (\$10,000.00) for repairs or loss; or
  4. operates the business of the aeronautical operator in such a fashion as to create a safety hazard on the Airport for other Airport users, aircraft or property on the Airport, the general public, the Airport, or any pilots, students or passengers; or
  5. causes the consumption of excessive time of Airport Management and employees in dealing with complaints which interfere with the effective delivery of services to the public by the Commission.
- g) Any party which applied for an aeronautical operator's agreement, or who has interest in the business, supplied false information, or misrepresented any material fact in the application, supporting documents, or in statements to or before the Commission.
- h) Breach of the non-discrimination covenants set forth in Paragraph I.(3)(c) below.
- 2) In the event of such termination, the aeronautical operator shall forthwith peaceably vacate the Airport and surrender possession of the premises and cease and desist all business operations at the Airport. Should the operator fail to make such surrender, the Commission shall have the right, at once and without further notice to the aeronautical operator, to enter and take full possession of the space occupied by the aeronautical operator on the Airport by force or otherwise and with or without legal process to expel, oust and remove any and all parties and any and all goods and chattels not belonging to the Commission that may be found within or upon the same at the expense of the operator and without being liable to prosecution of any claim for damages therefore.

Upon such termination, all rights, powers and privileges of the aeronautical operator hereunder shall cease and the aeronautical operator shall immediately vacate any space occupied by it under this agreement or any lease or leases, and shall make no claim of any kind whatsoever against the Commission, its agents or representatives by reason of such termination or any act incident thereto.

- 3) In addition to all other rights and remedies provided in these Minimum Standards, the Commission shall have any and all other rights and remedies at law or equity, including the equitable remedy of injunction, to enforce these Minimum Standards, to obtain compliance herewith and to impose the penalties herein provided.

**F. INSPECTION AND MAINTENANCE**

- 1) To the extent necessary to protect its rights and interest, or to investigate compliance with the terms of this lease, the Commission, or any member, the Engineer, the Attorney, police officer and any other agent of the Commission shall have the right to inspect at all reasonable times all Airport premises, together with all structures and improvements and all aircraft, equipment and all licenses and registrations.
- 2) No persons shall throw, dump or deposit any waste, refuse or garbage on the Airport. All waste, refuse or garbage shall be placed and kept in closed garbage cans or containers and all operating areas shall be kept in safe, neat and orderly manner at all times and in such a manner as to minimize any hazards.
- 3) Nothing contained in these Minimum Standards shall be construed as requiring the Commission to maintain, repair, restore or replace any structure, improvement or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond its control.
- 4) Commission telephones, paid for out of public funds, will not be used to initiate or return any telephone calls by the aeronautical operators, their employees, agents, licensees, students, clients or customers.
- 5) Any tools and maintenance equipment owned by the Commission will not be used for maintenance or repairs on any aircraft owned by an individual, firm or corporation, except by explicit written agreement between the owner and the Airport Manager.

**G. CONSTRUCTION BY AERONAUTICAL OPERATOR**

- 1) No buildings, structures, tie-downs, ramps, paving, taxi areas or any improvements or additions on the Airport shall be placed or constructed on the Airport, or altered or removed without prior written approval of the Commission. In the event of any construction, an appropriate bond to guarantee the completion of the construction in accordance with local standards may be required.
- 2) The Commission reserves the right to review any proposals for construction on the Airport particularly with an eye to conformity with the existing Airport layout plan. Any proposal for construction shall be aesthetically compatible with the existing buildings on the Airport.

## **H. AIRCRAFT MAINTENANCE**

- 1) Any aircraft owner or operator may perform Federal Aviation Regulation (FAR) Part 43 Authorized Owner Maintenance on his owned aircraft provided such maintenance or service is performed by the owner or approved employee. Any owner or approved employee who performs maintenance as authorized in this section shall perform such maintenance within the confines of an individual T-hangar or joint use hangar provided such maintenance does not pose a fire or safety hazard and does not impede the ingress or egress of any other hangared aircraft. Any aircraft owner utilizing an employee to perform aircraft maintenance may be required to produce evidence of employment in a form acceptable to the Commission. Social Security records, corporate identification, etc. shall be deemed acceptable evidence of employment. All maintenance performed on the aircraft other than FAR Part 43, Preventive Maintenance paragraph A43.c, by the aircraft owner or employee shall be in the in the T-hangar or joint use hangar provided such maintenance does not pose a fire or safety hazard and does not impede the ingress or egress of any other hangared aircraft. There shall be no maintenance performed in the tie-down areas unless specifically approved in advance by the Airport Manager or its designee. Reservations for maintenance spaces in the designed maintenance areas can be made with the Airport Manager. **See Exhibit “A” to the Airport Rules and Regulations for the designated maintenance area.**
- 2) An aircraft owner shall not contract with a second party, such as an aircraft maintenance company or contractor, to perform scheduled maintenance on his aircraft at Shenandoah Valley Regional Airport unless said contractor is recognized by the Commission as an authorized aeronautical operator as defined in these Minimum Standards or permittee as defined in the Airport Rules and Regulations.
- 3) Unscheduled aircraft maintenance by a maintenance company or contractor not established at Shenandoah Valley Regional Airport is permitted provided the procedure outlined in the Airport Rules and Regulations is followed. Examples of unscheduled maintenance are:
  - a) A malfunction that prevents the aircraft from being taken to another airport for maintenance.
  - b) Maintenance work requiring a specialty service that is not being provided by an authorized maintenance operator at Shenandoah Valley Regional Airport.

## **I. FAA REQUIRED LEASE PROVISIONS**

Each aeronautical operator's lease at the airport shall contain the following provisions regarding subordination, emergency leasing to the U.S. and nondiscrimination. The language for these provisions is as follows:

- 1) Lease Subordinate to Agreement between Lessor and the United States: This lease shall be subordinate to the provisions of any existing agreement between the Lessor and the United States, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the expenditure of federal funds for the development of the airport.
- 2) Emergency Lease to the United States:
  - a) During times of war or national emergency, the Lessor shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.
  - b) All facilities of the airport developed with federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by government aircraft in common with other aircraft at all times without charge, except if the use by government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintain the facilities used.
- 3) Public Responsibility:
  - a) An aeronautical operator shall cooperate with the Commission and Airport Manager in the operation, management and control of the Airport, and shall do all things reasonably necessary to advance or promote the Airport and aeronautical activities thereon and to develop the facility into an attractive, efficient and modern airport by the provision of responsible, safe and adequate services to the public.
  - b) The aeronautical operator shall furnish all services authorized or licensed on a fair, equal, and not unjustly discriminatory basis to all users and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the aeronautical operator may make reasonable and non-discriminatory discounts, rebates or other similar types of price reductions to volume purchasers, if permitted by law.

- c) The aeronautical operator for itself, its personal representative, successors in interest and assignees hereby agrees that:
1. No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
  2. In the construction of any improvements on, over, or under such land and the furnishing of services thereon, 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.
  3. That the lessee shall use the premises 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 Regulation may be amended.
- d) That in the event of breach of any of the above non-discrimination covenants, the Commission shall have the right to terminate the lease and re-enter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

#### **SECTION IV. MISCELLANEOUS**

##### **A. SEVERABILITY**

In the event that any provision of these Minimum Standards shall for any reason be determined to be invalid, illegal or unenforceable in any respect, the other provisions of these Minimum Standards shall remain in full force and effect.

##### **B. EFFECTIVE DATE**

These Minimum Standards shall be effective thirty days following the date of their approval by the Commission. Should a change in these Standards result in a non-conformance by an existing operator, the operator may request additional time from the Commission to meet compliance. The Commission may or may not at its discretion grant additional time. However, nothing herein shall require the Commission to grant additional time for compliance.