

BLACK HILLS AIRPORT / CLYDE ICE FIELD
MINIMUM STANDARDS FOR OPERATORS
OF COMMERCIAL ACTIVITIES
Revised

Approved by the Black Hills Airport Board
January 3, 2019

BLACK HILLS AIRPORT BOARD

President

**BLACK HILLS AIRPORT/CLYDE ICE FIELD
MINIMUM STANDARDS FOR OPERATORS OF COMMERCIAL ACTIVITIES**

A. GENERAL PROVISIONS

1. **Introduction.** The Spearfish City Council and Black Hills Airport Board (Board) adopts these minimum standards in order to protect and promote the best interests of the public with regard to the development and provision of aeronautical services and activities and other commercial activities at Black Hills Airport/Clyde Ice Field (Airport).
2. **Required Conditions.** Any person desiring to engage in one or more commercial activities at the Airport must adhere to the applicable minimum standards and must be a party to a written lease and/or use agreement with the Board
3. **Commercial Services.** Commercial services are defined as certain commercial activities conducted at or from the Airport for the purpose of securing earnings, income, compensation, or profit, whether or not such objectives are actually accomplished. Commercial services, which shall be subject to these Minimum Standards, include the following aeronautical and ground transportation activities: Aircraft sales, airframe or power plant repair, aircraft rental, flight training, air taxi/charter, avionics, instrument or propeller service, commercial flight services, car rental, baggage, or limousine services, and courtesy transportation.
4. **Non-discrimination.** A fair and reasonable opportunity, without discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available Airport facilities; or to engage in selected commercial activities, subject to the Minimum Standards and other requirements as may be established and amended on a periodic basis by the Board.
 - a. The Board, through its Minimum Standards, attempts to ensure all Operators of similar classification or aeronautical activity conduct business on a fair and equal basis for the benefit of the aviation public. In developing these Minimum Standards, the Board intends neither to block competition between service providers nor to protect any existing or incumbent provider from competition.
 - b. Commercial Operators (Operators) at the Airport are required to
 - i. Furnish services on a fair, equal, and not unjustly discriminatory basis to all customers and
 - ii. Charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the Operator is allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
 - c. No Operator may exclude any person from employment, participation in, access to, or benefits of its operations or otherwise discriminate against persons on the grounds of race, color, national origin, handicap, age, sex, or veteran status. Operators are responsible for compliance with any applicable local, state, and federal rule, regulation,

ordinance, or law regarding nondiscrimination.

5. **Development of Additional Commercial Services.** In the event a prospective Operator desires to conduct a commercial activity not listed in these Minimum Standards, the minimum standards for that activity may be identified as a part of the application process. In addition, the Board may, at any time, identify additional activities that are to be subject to these Minimum Standards.
 - a. In developing new minimum standards for aeronautical services the following guidelines are to be considered:
 - i. The minimum hangar space required of an independent commercial provider of aeronautical services is 3,600 square feet. An Operator may conduct business under a Full Service Operator and, therefore, meet the hangar space requirement.
 - ii. Hangar space minimum requirements should generally be 75% of the total building space required with the remaining 25% of the space being for offices, restrooms, reception areas, and other space required for customer service.
 - iii. Land space minimum requirements should generally be twice the amount of space required for the building.
 - iv. In planning a commercial service, it is expected that all aircraft associated with the operation will be stored in the Operator's hangar or on tie-down ramp space that is constructed by the Operator on leased premises. The Board is not obligated to provide or construct public ramps/aprons or connecting taxiways for Operators. The prospective Operator should expect to fund all of its facility needs (building, parking lots, ramps/aprons, connecting taxiways) as a part of the total plan.
6. **Prequalification Requirements.** The prospective Operator shall submit in writing to the Board at the time of application, the following information :
 - a. **Intended Scope of Activities.** In order to provide high quality service to the Black Hills area, prior to being granted a commercial operating privilege at the Airport, the prospective Operator must submit a detailed description of the intended activity(ies), and the means and methods to be employed to accomplish the applicable operating standards and requirements including the following:
 - i. The services to be offered.
 - ii. The amount of land to be leased or subleased.
 - iii. The building space to be constructed, leased, or subleased.
 - iv. The number of Aircraft (or vehicles) to be provided, if applicable.
 - v. The number of employees including such employees' qualifications and certifications.
 - vi. The hours of proposed operation.
 - vii. Evidence of required minimum insurance coverage as established by the Board.
 - viii. Evidence of Operator's financial ability to perform the proposed services and provide and maintain the required facilities.

- ix. Evidence of the Operator's level of competency and experience in successfully performing the proposed service.
 - b. **Financial Stability.** Operator must provide a business plan for the proposed commercial operation to the Board demonstrating that the Operator has, or is able to secure, the necessary level of capital for the purpose of constructing new facilities, or remodeling existing leased facilities, and acquiring maintenance equipment and aircraft, as may be necessary to service existing and future business demands.
7. **Written Agreement.** Upon the approval of the application by the Board and prior to the commencement of commercial operations, the Operator will be required to enter into a written agreement with the Board. The agreement will detail the terms and conditions under which the Operator will conduct its business at the Airport, including, but not limited to, the term of agreement; the rentals, fees, and charges; the rights, privileges and obligations of the respective parties; and other relevant provisions. The conditions contained in these Minimum Standards do not represent a complete recitation of the provisions to be included in the written agreement. Agreement provisions, however, will not change, modify, or be inconsistent with these Minimum Standards.
8. **Site Development Standards.**
- a. The minimum space requirements hereinafter provided may be satisfied by the lease, construction, or sublease of single, abutting, or separate parcels having one (1) building, attached buildings, or separate buildings. The use of modular buildings or T-hangar space to satisfy space requirements is prohibited.
 - b. For construction of any new facilities, the Operator shall be subject to the standards of development contained in the Airport Master Plan for the Airport as well as all applicable federal, state, and local laws, ordinances, and codes.
 - c. No person may make any alterations of any nature whatsoever to any buildings, aprons, or other airport space without prior written approval from the Board. Nor shall any building or other structure be erected without prior submission of a written request, including detailed plans and specifications, and the receipt of written permission from the Board. Prospective Operators shall comply with all building codes and shall deliver to the Board president "as built" plans upon completion.
 - d. Further, a notice of alterations or construction must be submitted to the Federal Aviation Administration by the prospective Operator on FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and receive a favorable determination, prior to commencement of any construction.
9. **Personnel.**
- a. The prospective operator shall have in its employ, and on duty during the required operating hours, such numbers and types of trained personnel with proper FAA credentials, certificates, and ratings as applicable to provide adequate and efficient

services.

- b. Operator must demonstrate that procedures have been established to assure that all persons employed, or to be employed, who have unescorted access to any area on the Airport controlled for security reasons, have background checks to the extent required by law or regulation including, at a minimum, references and prior employment histories to the extent necessary to verify representations made by the employee/applicant relating to employment in the preceding five years.
 - c. Operator's employees shall be neat, clean, and courteous. Operator shall not permit its agents or employees to conduct business in a loud, boisterous, offensive, or objectionable manner, or to solicit business outside the space assigned as stated in the lease or operating agreement.
10. "Sponsor" means the Black Hills Airport Board that is responsible for managing, superintending, controlling, and protecting the Black Hills Airport.
11. "Ultralight Vehicle" (UL) means any flying vehicle intended to be used by a single occupant for recreational or sport use that does not have a US or foreign air worthiness certificate, does not weigh over 254 lbs., cannot carry more than 5 gallons of fuel, or go faster than 55 knots as pursuant to FAA definition. *See* Federal Aviation Regulation 14 CFR Part 103.

B. INDEMNITY AND INSURANCE

1. Indemnification.

- a. Operators must agree to indemnify, save, hold harmless, and defend the Board, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all expenses incidental to the investigation and defense thereof, in any way arising out of or resulting from any acts, omissions or negligence of the Operator, its agents, employees, licensees, successors and assigns, or those under its control; in, on or about leased premises or upon leased premises; or in connection with its use and occupancy of leased premises or use of airport. The Operator shall not be liable for any injury, damage, or loss occasioned by the willful misconduct of the Board, its agents, or employees.
- b. Operators must agree to indemnify, save, hold harmless, and defend the Board, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all expenses incidental to the investigation and defense thereof, in any way arising out of or resulting from any violation of any federal, state, or municipal laws, statutes, ordinances, or regulations by the Operator's agents, employees, licensees, successors and assigns, or those under its control. The Operator shall not be liable for any claims and actions and expenses incidental to the investigation and defense thereof, in any way arising from or based upon violation of any federal, state or municipal laws, statutes, ordinances, or regulations by the Board, its agents, employees, licensees, successors and assigns, or those under its control.

2. **Minimum Insurance Requirements.**

- a. Operator shall at all times during the term of its operation at the Airport provide, pay for, and maintain in force a policy of:
 - i. Comprehensive general liability insurance to protect against bodily injury liability and property damage in an aggregate amount of not less than:

Single Service Operator:	\$1,000,000.00 per occurrence or \$2,000,000.00 aggregate applied separately to Operator's Airport operation
Limited Service Operator:	\$1,000,000.00 per occurrence or \$2,000,000.00 aggregate applied separately to Operator's Airport operation
Full Service Operator:	\$1,000,000.00 per occurrence or \$2,000,000.00 aggregate applied separately to Operator's Airport operation
 - ii. Business automobile liability insurance in a combined single limit of not less than \$1,000,000.00 per occurrence for all vehicles that will be operating in the aviation areas of the airport whether the vehicles are owned, hired, or not owned by Operator.
 - iii. Fire and extended coverage insurance on the buildings and other improvements at the Airport to insure against loss and damage by fire, aircraft, and extended coverage perils. Insurance coverage shall be in an amount no less than the replacement cost of the buildings or other improvements.
 - iv. Workers' compensation and employers' liability as required by South Dakota law.
 - v. Any other insurance policies required by the Board.
- b. All required insurance policies shall be placed with financially-responsible insurance companies licensed to do business in the State of South Dakota
- c. All required insurance policies shall name the City of Spearfish as an additional insured and shall provide for thirty (30) days' written notice to the Board prior to the cancellation of or any material change in such policies. Operator shall provide to the Board a certificate of insurance evidencing all of these insurance requirements.
- d. The above-mentioned insurance requirements will be reviewed on a periodic basis by the Board and may be adjusted if the Board determines such adjustments are necessary to protect the Board's interests.

3. **Environmental Impairment.** Operator must agree to comply with all environmental regulations affecting its operations, as required by the State of South Dakota or United States.

C. AERONAUTICAL SERVICES

1. **Introduction.** The following Minimum Standards For commercial Aeronautical Services incorporated by Reference FAA Advisory Circular No.150/5190-5 dated 6-10-02, Minimum Standards for Commercial Aeronautical Activities on Public Airports and the Black Hills Airport Board's rules and regulations, as may be adopted or amended. The Board does not certify that the required minimum land, and building areas, personnel or equipment levels are adequate for the successful operations of the commercial activities described. Additional land and building space, personnel and equipment exceeding the minimums, may be necessary for the operator to ensure that services are effectively provided to meet the needs of the public. All Aeronautical services and use of the Black Hills Airport shall be conducted in strict compliance with federal regulations and state and local laws.
2. **Development of Quality Services.** It is the Board's intent to ensure that the Airport, through its authorized commercial operators, provide a full range of quality services to the aviation public. To accomplish this objective, the Board has established a development process. The development process is founded on the principle that only experienced, well capitalized, operators have the greatest chance of successfully providing these quality services. The process also provides opportunities for interested parties, with limited experience, to establish aviation service businesses, to gain the necessary experience, and to grow into service levels of greater responsibility to the public.
3. **Exclusive Rights.** No private aeronautical service provider will be granted an exclusive right to solely provide any aeronautical service on the airport. Any interested party meeting the Minimum Standards may qualify for authorization to begin business.
 - a. It is the intent of the Board to promote private retail fuel sale activities. The Board, however, reserves the right to establish its retail fuel operations at any time it believes that in doing so would be in the best interest of the public.
 - b. Further, in the absence of a qualified Full Service Operator, the Board reserves the right to provide retail fuel sales, and any other aeronautical service absent an authorized commercial service provider, as an exclusive right unto itself. Once such an aeronautical service is thus declared an exclusive right of the Board, the service can no longer be considered a service that can be offered by private commercial operators at the airport.
4. **Single Service Operator.** A person or organization meeting the Minimum Standards of any one of the following aeronautical services may apply to the Board for permission to operate as a Single Service Operator.
 - a. **Aircraft Sales.** Any Operator desiring to engage in the sale of new or used aircraft must lease or provide at a minimum the following:
 - i. **Services.** Operator must be capable of repairing the engines and other operational components of the Aircraft being sold. Repairs also include warranty work on new aircraft. Operator is prohibited from performing aircraft maintenance and repair work for the general public.

- ii. **Land area.** A minimum area of 4,000 square feet of land on the Airport is required for buildings, storage of aircraft, display, and auto parking.
 - iii. **Buildings.** Lease, sublease, or construct a building having a minimum of 4,000 square feet of properly-lighted and heated space for offices, hangar storage, maintenance, and public waiting areas, including restroom facilities and telephones. A minimum of 3,600 square feet of hangar space is required.
 - iv. **Personnel.** Provide one or more persons holding a current commercial pilot certificate with ratings appropriate for the type of aircraft to be demonstrated or for sale. Provide one or more persons holding a current certificate from the FAA to perform aircraft maintenance work on the aircraft being sold.
 - v. **Parts and Service.** Operator shall have an adequate supply of parts to provide maintenance service to customer's aircraft during any warranty period.
 - vi. **Maintenance.** Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - vii. **Sales of Aircraft.** An Operator selling aircraft shall be an authorized factory dealership or sub-dealership and have a license or permit as required by the State of South Dakota. The Operator must have knowledge of all applicable laws concerning sales, contracts, and warranties.
 - viii. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week.
- b. **Airframe and Powerplant Repair.** Any Operator desiring to engage in airframe or powerplant repair service must provide, at a minimum, the following:
- i. **Land Area.** An area of 4,000 square feet of land on the Airport is required for the building, temporary parking of aircraft, and customer vehicle parking.
 - ii. **Buildings.** Lease, sublease, or construct a building having a minimum of 4,000 square feet of properly-lighted and heated maintenance shop, parts storage space, office space, and a public waiting area including restrooms and telephones. A minimum of 3,600 square feet of hangar space is required.
 - iii. **Personnel.** Provide one or more persons holding a current certificate from the FAA with ratings appropriate for work to be performed and any additional personnel to keep the office attended during hours of operation.
 - iv. **Equipment.** Sufficient equipment, supplies, and parts to perform maintenance in accordance with manufacturer recommendations on various types of aircraft.
 - v. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week with provisions for on-call service outside the

hours of operation.

- c. **Aircraft Rental.** Any Operator desiring to engage in the rental of aircraft to the public shall provide, at a minimum, the following:
- i. **Land Area.** An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, vehicle parking, and buildings.
 - ii. **Buildings.** Lease, sublease, or construct a building consisting of 4,000 square feet of office space, properly-lighted and heated, with a public telephone, restrooms, flight planning, and customer waiting areas.
 - iii. **Personnel.** Provide one or more persons holding a current commercial pilot certificate with appropriate ratings and any additional personnel to keep the office attended during hours of operation.
 - iv. **Aircraft.** Operator shall own or have an exclusive lease in writing for an air-worthy aircraft.
 - v. **Maintenance.** The aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - vi. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week.
- d. **Flight Training.**
- i. **Land Area.** An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, vehicle parking, and buildings.
 - ii. **Buildings.** Lease, sublease, or construct a building consisting of 4,000 square feet for office, pilot lounge, classroom, and flight planning area with restrooms, a public telephone, and aircraft storage. A minimum of 3,600 square feet of hangar space is required.
 - iii. **Personnel.** Provide one or more persons certified by the FAA as a flight instructor with proper ratings for VFR/IFR training and any additional personnel to keep the office attended during hours of operation.
 - iv. **Certification.** The flight training service shall meet all FAA requirements for flight instruction for private, commercial, instrument, and flight instructor ratings as well as any other relevant state and federal regulations.
 - v. **Aircraft.** Provide one or more aircraft equipped for flight training under both visual and instrument conditions. Operator shall own or have an exclusive lease in writing for an aircraft for flight training.

- vi. **Maintenance.** Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - vii. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week.
- e. **Air Taxi and Charter Services.** Any Operator desiring to engage in air taxi or charter services shall provide, at a minimum, the following:
- i. **Land Area.** An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, vehicle parking, and buildings.
 - ii. **Buildings.** Lease, sublease, or construct a building consisting of 4,000 square feet for office, customer lounge, flight planning, and hangar space, including restrooms and public telephones. A minimum of 3,600 square feet of hangar space is required.
 - iii. **Personnel.** Provide one or more persons certified by the FAA as a commercial pilot appropriately rated to conduct the air service offered and any additional personnel to keep the office attended during hours of operation.
 - iv. **Certification.** Operator and any pilots must meet all provisions of Federal Aviation Regulation 14 CFR Part 135.
 - v. **Aircraft.** Provide one or more aircraft capable of carrying at least six (6) passengers and equipped for flight under instrument conditions. Operator shall own or have an exclusive lease in writing for an air-worthy aircraft for air taxi or charter services.
 - vi. **Maintenance.** Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - vii. **Ground Transportation Services.** The Operator may make provisions for the transportation of pilots and passengers of its air taxi or charter services to and from the Operator's facilities across the Airport's apron areas as a part of Operator's business operations. Any Operator performing this service with motor vehicles driven on the Airport property shall do so in strict compliance with any Airport rules and regulations, applicable federal, state, and municipal laws, ordinances, codes, or other similar regulatory measures as are currently in effect or may be hereafter added, modified, or amended. The Operator shall obtain and maintain for any vehicles operated on the Airport vehicle insurance as specified in B(2)(a)(ii) above.
 - viii. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week with provisions for on-call service outside of the hours of operation.
- f. **Avionics, Instruments, or Propeller Services.** Any Operator desiring to provide avionics, instrument, or propeller services shall provide, at a minimum, the following:

- i. **Land Area.** An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, vehicle parking, and buildings.
 - ii. **Buildings.** Lease, sublease, or construct a building having a minimum of 4,000 square feet of properly-lighted and heated maintenance shop, parts storage space, office space, and a public waiting area including restrooms and telephones. A minimum of 3,600 square feet of hangar space is required.
 - iii. **Personnel.** Provide one or more persons certified by the FAA to perform repairs in accordance with the applicable FAA repair station certificate.
 - iv. **Certification.** One or more persons who holds the appropriate FAA repair station certificates and ratings.
 - v. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week.
- g. **Specialized Commercial Flight Services.** Any Operator desiring to engage in specialized commercial flight services such as banner towing, aerial advertising, aerial photography or survey, firefighting or fire patrol, power line or pipeline patrol, aerial applications, or any other operations excluded from Federal Aviation Regulation 14 CFR Part 135, but not including those aeronautical services conducted incidental to the Operators primary off-airport business, shall provide, at a minimum, the following:
- i. **Land Area.** An area of 4,000 square feet of land on the Airport to provide space for aircraft parking, vehicle parking, buildings, and tie downs.
 - ii. **Buildings.** Lease, sublease, or construct a building consisting of 4,000 square feet of office space, properly-lighted and heated, with a public telephone and restrooms. A minimum of 3,600 square feet of hangar space is required.
 - iii. **Personnel.** Provide one or more persons having a current commercial pilot certificate with appropriate ratings for the aircraft to be flown.
 - iv. **Aircraft.** Operator shall own or have an exclusive lease in writing for an air-worthy aircraft.
 - v. **Maintenance.** The aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - vi. **Compliance.** Operator must meet all local, state, and federal regulations applicable to each category of operation.
 - vii. **Hours of Operation.** Operator shall provide operating hours of at least eight (8) hours per day, five (5) days per week.

- h. Single Service Operators are prohibited from retail sales of fuel or petroleum products or from providing aviation line services.

D. MULTIPLE COMMERCIAL AERONAUTICAL SERVICES

1. General Provisions.

- a. A prospective Operator of multiple commercial activities may select a combination of services identified above and request Board approval to provide services either as a Limited Service Operator or a Full Service Operator as defined below.
- b. Where more than one activity is proposed, the actual building, land, equipment, and personnel requirements may have to exceed the minimum space requirements listed for Limited Service Operator and Full Service Operator classifications below in order to ensure that safe and comfortable services are provided for the customer. When determining actual space and other requirements, all doubts, questions or decisions will be resolved in the favor of the customer. Actual space requirements will also be dependent upon:
 - i. The nature of the proposed individual commercial services to be operated in combination,
 - ii. The design and configuration of the proposed building,
 - iii. The Operator's expansion plans,
 - iv. The proposed geographic location of the Operator's facilities at the Airport, and
 - v. What has been required of other Operators at the Airport who provide a similar combination of services
- c. Actual space requirements will not necessarily be the sum of the minimums for each individual aeronautical service in all instances.

2. Limited Service Operator. A person or organization meeting the Minimum Standards of any two (2) or more aeronautical services described above, may apply for permission to conduct business as a Limited Service Operator at the Airport. Minimum facilities required of Limited Service Operators are:

- a. **Land Area.** A minimum of 4,000 square feet of land on Airport property is required for Limited Service Operators that do not engage in airframe or powerplant repair services. The land area is needed to accommodate aircraft parking, vehicle parking, equipment, and buildings. Regardless of this minimum standard for land area, the land area must be such that it feasibly can be used to provide the combination of services proposed. In no case may the land area be less than the largest land area required for any one aeronautical service.
- b. **Buildings.** Lease, sublease, or construct a building consisting of 4,000 square feet of floor space. A minimum of 3,600 square feet of hangar space is required

- c. Limited Service Operators are prohibited from selling fuel or petroleum products and providing line services.

3. **Full Service Operator/Fixed Base Operator.**

- a. A person or organization meeting the Minimum Standards for each of the following aeronautical services, as described above, may apply for permission to conduct business as a Full Service Operator/Fixed Based Operator at the Airport.

- i. Aircraft Maintenance and Repair Services.
- ii. Flight Training
- iii. Air Taxi or Charter Services
- iv. Aircraft Rental
- v. Avionics, Instruments, or Propeller Services

- b. In addition, a person or organization desiring to be a Full Service Operator/Fixed Base Operator must meet the Minimum Standards for, as described below, and provide or arrange for the provision of the following:

- i. **Commercial Fuel Sales/Line Services.** Operator shall have available, at all times, mobile fueling equipment maintained in accordance with State and Federal regulations. See also Aircraft/Auto Fuels, Dispensing, Storage, and Line Services below.

- (A). Operator is prohibited from selling fuels or other aviation products to individuals or organizations that plan to resell those products to others at the Airport.

- (B). Operator shall provide, but not be limited to, the following services in a quantity and level of quality to meet the needs of the Airport:

- (i) Aviation fuel sales for end user consumption
- (ii) Aircraft fueling
- (iii) Associated aviation line (ramp) services including, but not limited to: aircraft de-icing, aircraft pre-heating/starting, aircraft towing/parking, pilot supplies, aircraft meeting/greeting, tie down services, in/out hangar services, and aircraft washing

- (C). The Board, through the Full Service Operator/Fixed Base Operator, shall retain the exclusive right to provide all fuel storage, all fuel sales at the Airport including all fuel sales to aircraft owners who desire to self-fuel their own aircraft at the airport using approved mobile fuel trucks. Full Service Operators/Fixed Base Operators are the only commercial operators authorized to sell fuel or petroleum products and provide line repairs at the Airport.

- (D). All fuel brought onto the Airport shall be processed through the Board's fuel storage facility.
 - (E). The Full Service Operator/Fixed Base Operator and the Board, through quality control personnel, will ensure the quality of all outgoing fuel is consistent with airline fueling and Airport fire safety and standards.
 - (F). **Hours of Operation.** Full Service Operator/Fixed Base Operator must have qualified staff available to meet airline and public fuel and line service needs seven (7) days a week at hours mutually agreed upon by the Full Service Operator/Fixed Base Operator and Board. Full Service Operator/Fixed Base Operator shall arrange for on-call service outside of the hours of operation.
- ii. **Aircraft Hangar.** Operator shall provide space as available for the storage of visiting aircraft or aircraft based at the Airport on a first come, first served basis.
 - iii. **Aircraft Painting.**
 - iv. **Aircraft Engine Rebuilding.**
 - v. **Marketing and Promotion.** The Full Service Operator/Fixed Base Operator must demonstrate the ability to develop and maintain a marketing and promotion program in an effort to mark the Airport on a regional, national, and international basis.
- c. Minimum facilities required of Full Service Operators/Fixed Base Operators are:
- i. **Land Area.** A minimum of 45,000 contiguous square feet of land at the Airport to accommodate aircraft, equipment, vehicle parking, and buildings.
 - ii. **Buildings.** A minimum of 14,000 square feet of building space is required to accommodate hangars, shops, offices, classrooms, pilots' lounge, public restrooms, flight planning/weather information area, and public telephones. A minimum of 12,000 square feet of hangar space is required.
 - iii. **Maintenance.** All aircraft of the Full Service Operators/Fixed Base Operator must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.
 - d. **Future Development and Expansion.** Any Full Service Operators/Fixed Base Operators must agree that it will continuously maintain the knowledge and experience necessary to work in partnership with the Board in the further expansion and development of general aviation services.

E. AIRCRAFT/AUTO FUELS, DISPENSING, STORAGE, AND LINE SERVICES

1. **General.** The retail sale, storage, and dispensing of aircraft and automobile fuels and other petroleum products shall be conducted strictly in accordance with Federal Aviation

Regulation 14 CFR Part 139, federal and state environmental laws, and Airport Rules, Regulations, and Minimum Standards.

2. **Fuel Storage.** Fuel storage is subject to the following conditions:
 - a. Only fuel deliveries authorized by the Board may be brought to the Airport. Fuel deliveries brought to the Airport shall be in trucks having a capacity of not less than 7,000 gallons.
 - b. All fuels brought to the Airport shall be stored in the Board's fuel storage facility. Privately-owned fuel storage at the Airport is prohibited.
 - c. Mobile fuelers or fuel trucks/trailers, may not be used solely for fuel storage. Fuel trucks approved by the Board to dispense fuels directly into aircraft, having capacities of no more than 5,000 gallons, will not be considered "storage" so long as the fuel truck is used to fuel aircraft daily.
 - d. Authorized commercial operators and aircraft owners desiring to self-fuel their privately-owned aircraft fleet may request authorization to rent excess storage space in the Board's fuel storage facility for their exclusive use. Such an exclusive use fuel space may only be considered by the Airport when the Operator or owner wishing to self-fuel demonstrates that their fueling activities exceed 300,000 gallons per year. Authorized exclusive use fuel space shall be discontinued if the Operator or owner fails to maintain fueling levels of at least 300,000 gallons annually.
 - e. Use of the Fuel Storage Facility.
 - i. Use of the Board's fuel storage facility by commercial operators is limited to the storage of aviation (100 octane) gasoline, and jet fuel, both being purchased by the Operator. Selecting fuel, maintaining fuel quality once in the Operator's fuel trucks, and dispensing fuel are the sole responsibility of Operator.
 - ii. Operator shall have the access to the Board's fuel storage facility as necessary to fill its mobile fuelers.
 - iii. Operators shall fully comply with the operating procedures of the fuel storage facility including those procedures required to test for contaminated fuel and EPA, FAA, state, and Board regulations regarding the handling and dispensing of hazardous materials.
 - iv. Operators authorized to have exclusive use storage space in the fuel storage facility shall perform the following fuel quality tests in accordance with its use of the fuel storage facility, unless other tests are required by the Board:
 - (A). Perform periodic "white bucket" tests on fuel samples taken from storage tanks and the filter separators.

- (B). Perform daily pressure differential tests to determine the condition of storage tank fuel filters.
 - (C). Perform “white bucket” tests on all fuel deliveries prior to placing the fuel into storage. Each compartment of the delivery truck shall be tested before the fuel in that compartment is placed into storage.
 - (D). Copies of the Operator’s test records and results shall be sent to the Airport Manager monthly.
 - (E). Evidence of contaminated fuel, fuel storage leaks, system malfunctions, or fuel spills shall be immediately reported to the Airport Manager.
3. **Commercial Aviation Fueling.** Sales of aviation fuels and petroleum products and providing flight line services are specifically reserved for qualified Full Service Operators/Fixed Base Operators. Single Service Operators and Limited Service Operators are prohibited from engaging in commercial fueling activities.
 4. **Auto and Wholesale Fuel Sales.** The sale of auto fuels (gasoline and diesel) and the sale of fuels to other parties for resale are business activities specifically reserved as “exclusive rights” of the Board.
 5. **Self-fueling of Private Aircraft.** A person or organization that owns aircraft shall be permitted to fuel its own aircraft in accordance with the Airport’s Fire Safety/Fuel Handling Standards. Self-fueling activities may only be done with the owner’s own equipment. The aircraft owner is not permitted to contract with an off-airport company to enter upon the Airport to refuel aircraft. Further, the Board prohibits the use of an organization formed by several aircraft owners for the purpose of self-fueling as a single aircraft owner for the purpose of self-fueling. Self-fueling owners may not dispense fuel from their privately-owned fueling equipment into aircraft not directly owned by the owner. Further, the owner’s fuels may not be sold, given, or otherwise transferred, to other aviation operations.

F. GROUND TRANSPORTATION SERVICES

1. Section Reserved for On-Airport Car Rentals

G. FLYING CLUBS

1. Section Reserved for Flying Clubs

H. PENALTIES

1. The Board reserves the right to immediately terminate any Operator’s commercial operating authority or reduce the Operator’s operating authority to that of a lower operating classification if the Operator does not meet these Minimum Standards.
2. In the event a failure to maintain compliance with any of these Minimum Standards, the authorization for any and all commercial activities may be terminated by the Board

president, subject to Board approval.

3. The Board president is vested with the power and authority to enforce these Minimum Standards and to perform all acts which may be necessary and proper for the safe and efficient operation of the Airport. Failure on the part of any person to immediately comply with any reasonable request and direction of the Board president shall be grounds for the ejection or removal of such persons from the Airport in any lawful manner.
4. The Board, at its discretion, reserves the right to terminate the operation of any Operator or terminate any lease of any person found to be in violation of these Minimum Standards.
5. The Board reserves the right to commence any civil action or suit or file a complaint for criminal prosecution against any person or persons violating any Minimum Standard which causes injury or damage to person or property or for any violation that appears to constitute the commission of a criminal act or breach of Airport security.
6. Any person whose act, or failure to act, results in a fine or penalty being assessed against the Airport, the Board, or the City of Spearfish by any governmental agency shall be fully liable for the payment or reimbursement of such fine or penalty in addition to the costs associated with the restitution, repair, or clean-up of conditions resulting from such violation.