RESOLUTION NO. 2019-07

A RESOLUTION OF THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING, ADOPTING MINIMUM AIRPORT STANDARDS FOR SHIVELY FIELD, SARATOGA, WYOMING

WHEREAS, Saratoga Municipal Code 14.04.010 allows for the adoption of Minimum Airport Standards of Shively Field by Resolution of the Governing Body of the Town of Saratoga; and

WHEREAS, the Governing Body of the Town of Saratoga has determined that it is in the best interest of the citizens of the Town to adopt the attached Minimum Airport Standards of Shively Field, attached hereto as Exhibit 1 and incorporated herein by this reference; and

WHEREAS, a copy of the Minimum Airport Standards of Shively Field shall be available for the public at Saratoga Town Hall and also available for viewing on the Town's website.

NOW THEREFORE, BE IT IS RESOLVED BY THE GOVERNING BODY OF THE TOWN OF SARATOGA, CARBON COUNTY, WYOMING that the Minimum Airport Standards of Shively Field, attached hereto as Exhibit 1 and incorporated herein by this reference, shall be and are hereby adopted by the Town of Saratoga. The Minimum Airport Standards shall be available for inspection and viewing by the public, both at Saratoga Town Hall and as posted on the Town's website.

PASSED, ADOPTED AND APPROVED at a regular scheduled meeting of the Saratoga Town Council on this 16th day of April, 2019.

TOWN OF SARATOGA,
a Wyoming Municipal Corporation

By: JOHN ZEIGER
John Zeiger
Mayor

Attest:

Sadie Cox
Town of Saratoga, Town Clerk

AMENDED MINIMUM AIRPORT STANDARDS OF SHIVELY FIELD

Pursuant to that resolution of even date herewith, the Airport Board of Saratoga does hereby adopt the following amended minimum standards for private and commercial operators based at Shively Field.

I. General

A. No person, persons, partnership, corporation or association shall regularly use Shively Field as a base or terminal for the conduct of any commercial (revenue producing) operation, except as authorized by the Airport Board.

B. No person, persons, partnership, corporation or association shall base any aircraft on Shively Field, except as authorized by the Airport Board: provided that authorization of the Airport Board shall not be required of any such person, persons, corporation, or association that rents or leases for valuable consideration tie-downs or hanger space on Shively Field from any authorized commercial operator thereon.

C. The Airport Board of Saratoga reserves the right to require in any lease issued under these minimum standards to make other or more restrictive requirements on a non-discriminatory basis, whenever the Airport Board in its sound discretion deems it necessary to do so.

II. Private Operators

A. Owners of aircraft, used for private and business purposes but not for the production of revenue, desiring to base their aircraft on Shively Field shall lease or rent the necessary space therefore from the Airport Board, except as otherwise provided herein. Such space will be either rectangular or T-shaped, and shall be of sufficient dimensions that all parts of the aircraft are well within the space so leased or rented.

B. All structures shall be a substantially constructed aircraft hanger and /or shelter facilities of a size, type, number and design acceptable to and approved by the Airport Board

C. No hanger or other building shall be placed upon the space so leased or rented without prior permission of the Airport Board, which shall not be unreasonably withheld. Any such hanger or building having the legal character of a fixture shall remain upon termination of the lease or rental period and shall become the property of the Airport Board. Any subsequent lessee or renter of a leased space containing such hanger or building will be required as a condition of the subsequent lease or rental agreement to pay to the preceding lessee or renter the reasonable value of the hanger or building, providing that such proceeding lessee or renter has either built the same or similarly paid his predecessor. Reasonable value shall be determined as of the date of commencement of the subsequent lease.

D. No space rented or leased by a private operator shall be sublet without prior authorization of the Airport Board and in no event shall the same be used for any commercial purpose; this paragraph shall not be construed to prohibit private operators from maintaining or servicing their own aircraft.

E. Consideration for all leases by the Airport Board to private operators shall be in a uniform sum in dollars per square foot annually, payable annually in advance. The Airport Board shall periodically review the aforesaid consideration and determined a fair and reasonable sum to be charged all private operators.

III. Commercial Operators

1. All leases granted by the Airport Board to Commercial Operators shall contain the following clauses.

    1. Lessee agrees to operate the leased premises for the use and benefit of the public, and;
        a. To furnish good, prompt, and efficient service adequate to meet the demands for its service at Shively Field airport;
        b. To furnish said service on a fair, equal, and non-discriminatory basis to all users thereof; and
        c. To charge fair, reasonable and non-discriminatory prices for each unit of sale or service, provided that the lessee is allowed to make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasing.

    2. The Lessee, for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this lease for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office of the Secretary, Part 21, Non discrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be Amended.

        (Paragraph III A 2. Amended on March 8, 1978)

    3. The lessee, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefit of, or be otherwise subjected to discrimination in the use of said facilities, (2) that 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 Federal Regulations, Department of Transportation, Subtitle A. Office of the Secretary, Part 21, Non discrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be Amended.

        (Paragraph III A. 3. Amended on March 8, 1978)

    4. No right or privilege is granted to lessee hereby which would operate to prevent any person, firm, or corporation operating aircraft on the Shively Field airport from performing any services on its own aircraft with its own regular employees (including but not limited to maintenance and repair) that it may choose to perform.

5. It is understood and agreed by both parties that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.

6. This lease shall be subordinate to the provisions of any existing or future agreement between Lessor and the United States, relative to the operation or maintenance of Shively Field airport, the execution of which had been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

Further, all such leases shall contain any other clause mandated by the Wyoming State Aeronautics Commission, or the Federal Aviation Administration (FAA) or their successors as a requirement for grants to the Airport Board.

2. Aerial Applications: Any Lessee desiring to engage in aerial applications operations must first hold an appropriate operators certificate issued by the FAA, comply with requirements of the State of Wyoming and provide as a minimum the following:
    1. Land: Leasehold shall contain adequate area to provide for buildings, aircraft parking and tie down. And parking space for loading vehicles and equipment.
    2. Building: Construct or lease 320 square feet of building space for office and storage.
    3. Personnel: One person holding current FAA Commercial Certificate, properly rated for the aircraft to be used and meeting the requirements of the FAA Regulations and applicable regulations of the State of Wyoming.
    4. Aircraft: One aircraft, which shall be airworthy and meet all requirements of the FAA Regulations and applicable regulations of the State of Wyoming, owned or leased by the agreement in writing and based on the lessee leasehold.
    5. Facilities: A segregated chemical storage area protected from public access.
    6. Hours of Operation: As necessary during the normal aerial application season.
    7. Insurance Coverage: Aircraft liability (bodily injury and property damage) a follows: Bodily injury $500,000.00 each person, $1,000,000.00 each accident, and property damage $1,000,000.00 each accident.

3. Airframe and/or Power Plant Repair: Any lessee desiring to engage in airframe and/or power plant repair service must provide as a minimum the following:
    1. Land: The leasehold shall contain adequate area to provide space for buildings and temporary parking of aircraft.
    2. Building: Construct or lease a building sufficient to provide for sufficient shop space to work on one aircraft, said space meeting local and state industrial code requirements plus adequate office space.
    3. Personnel: One person currently certified by FAA with ratings appropriate for work being performed.
    4. Hours of Operation: The normal operating hours shall be not less than 8 hours per day, five days a week.
    5. Equipment: Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

6. Insurance Coverage: Comprehensive public liability and property damage including bodily injury, products liability, property damage, and hanger keeper's liability, the amount to be determined by type and number of aircraft serviced at any one time.

4. Aircraft Rentals: Any lessee desiring to engage in the rental of aircraft to the public must provide as a minimum the following:
    1. Land: The leasehold shall contain adequate area to provide space for aircraft parking and building.
    2. Building: Lease or construct building which will provide adequate office space for the public and provide a public use telephone.
    3. Personnel: One person having adequate training and knowledge in aircraft rentals in order to determine acceptable rental customers. Office to be attended during normal operation hours.
    4. Aircraft: One four passenger airworthy aircraft owned or leased in writing.
    5. Hours of Operation: The normal operating hours will be not less than 8 hours per day, five days a week.
    6. Insurance Coverage: Aircraft liability (bodily injury and property damage) a follows: Bodily injury $500,000.00 each person, $1,000,000.00 each accident, and property damage $1,000,000.00 each accident.

5. Aircraft Sales: Any lessee desiring to engage in the sale of new or used aircraft must provide as a minimum the following:
    1. Land: The leasehold shall contain adequate area to provide space for building, storage of aircraft and display.
    2. Building: Lease or construct adequate lighted and heated space for office and public lounge, which will provide for indoor restrooms and public telephone.
    3. Personnel: One person having a current Commercial Pilot Certificate with ratings appropriate for the type of aircraft to be demonstrated. Office to be attended during the operating hours.
    4. Services: Provided for or make available at no additional cost to the customer adequate servicing of aircraft and accessories during any applicable warranty period..
    5. Hours of Operation: The normal operating hours will be not less than 8 hours per day, five days a week.
    6. Insurance Coverage: Aircraft liability (bodily injury and property damage) a follows: Bodily injury $500,000.00 each person, $1,000,000.00 each accident, and property damage $1,000,000.00 each accident. Insurance shall also cover aircraft held for sale and demonstrated by the lessee but owned by others.

6. Aircraft Storage: A Line Services-B operator is a person engaged in the business of providing facilities for tie-down, storage, hangaring or storage of aircraft, aircraft parts and hardware, accessories, and hardware for a fee. A Line Services-B operator shall not engage in the sale and into-plane delivery of aviation fuels, lubricants, and other related petroleum products, nor shall A Line Service-B operator engage in any other aeronautical service or activity covered by these standards without first having obtained a permit(s) or written agreement authorizing the additional aeronautical services or activities to be performed.
        1. The operator shall provide substantially constructed aircraft hanger and/or shelter facilities of a size, type, number and design acceptable to the Board.

2. The operator shall provide adequate ramp space for the temporary parking of aircraft.
3. The operator shall have one person on duty during regular business hours who has been trained in the handling and storage of aircraft.
4. The operator shall provide adequate insurance, including public liability, property damage and hanger keeper liability, the amount to be determined by the type and number of aircraft to be stored at any one time.
5. The operator shall procure and maintain the necessary towing equipment, energizers, heaters and fire extinguishers, as appropriate and necessary for the servicing of general aviation aircraft.

7. Aircraft Fuels and Oil Dispensing Service: Lessees desiring to dispense aviation fuels and oil shall provide as a minimum the following services and facilities.

    1. Land: Leasehold shall contain adequate area to provide for buildings aircraft parking area, dispending equipment and fuel trucks
    2. Buildings: Construct or lease a building providing adequate properly lighted and heated floor space for office, public lounge, rest rooms and telephone.
    3. Personnel: One properly trained person shall be on duty not less than 8 hours a day, seven days per week.
    4. Aircraft Service Equipment: Emergency starting equipment, adequate fire extinguishers, towing equipment, wheel chocks.
    5. Fuel Facilities: Two metered filter-equipped dispensers, fixed or mobile, for dispensing two grades of fuel most commonly required at the airport from storage tanks having minimum capacity of 10,000 gallons each (Mobile dispensing trucks shall have a total sufficient capacity for each grade of fuel) Adequate stocks of appropriate lubricants.
    6. Hours of Operation: Fueling service shall provide not less than 8 hours each day, seven days per week.
    7. Insurance Coverage: Comprehensive public liability and property damage including bodily injury, property damage, and products liability.

8. Air Taxi Service: Lessees desiring to engage in air taxi service must hold an FAA Air Taxi-Commercial Operator Certificate with ratings appropriate to the functions to be accomplished.
    1. Land: The leasehold shall contain adequate area for building and aircraft parking.
    2. Buildings: Lease or construct a building providing adequate properly heated and lighted space for office and customer lounge, public restrooms and telephone.
    3. Personnel: One FAA certificated commercial pilot who is appropriately rated to conduct air-taxi service offered.
    4. Aircraft: One air worthy four-place aircraft meeting all the requirements of the Air Taxi and Commercial Operator Certificate held.
    5. Hours of Operation: The hours of operation shall be 8 hours per day, five days per week.
    6. Insurance Coverage: Aircraft Liability (Bodily injury, property damage, passenger liability); bodily injury to be $500,000.00 each person, $1,000,000.00 each accident, property damage to be $1,000,000.00 each accident.

9. Flight Training: Any Lessee desiring to engage in pilot flight instruction shall provide as a minimum the following:
    1. Land: The leasehold shall contain adequate area to provide space for lessee's building and aircraft tie-downs.
    2. Buildings: Lease or construct a building providing adequate area properly lighted and heated floor space to provide classroom, briefing room, pilot lounge, office space, and public use telephone.
    3. Personnel: One person properly certificated by FAA as flight instructor to cover the type of training offered.
    4. Aircraft: The lessee shall own or have leased to him in writing one properly certified air worthy aircraft equipped for flight instruction.
    5. Hours of Operation: The hours of operation shall be eight hours per day, five days per week.
    6. Insurance Coverage for Owned or Leased Aircraft: Aircraft Liability Insurance (Bodily injury, property damage, passenger liability); bodily injury to be $100,000.00 each person, $300,000.00 each accident, property damage to be $100,000.00 each accident.

10. Multiple Services: Lessees desiring to engage in two or more <u>commercial aeronautical activities</u> must provide as a minimum the following:
    1. Land: The leasehold for multiple activities shall contain adequate square feet of land to provide space for specific use area requirements established for the service to be offered (specific use spaces need not be additive where combination use can be reasonably and feasibly established).
    2. Buildings: Lease or construct a building providing adequate area to provide properly lighted and heated space for office, public lounge, pilot briefing rooms, and restrooms. Repair stations must provide minimum shop and hanger space as required by FAA repair shop certification.
    3. Personnel: Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.
    4. Aircraft: All requirements for aircraft for the specific activities to be engaged in must be provided; however, multiple uses can be made of all aircraft, except aerial applicator aircraft, to meet these requirements. A minimum of two aircraft must be owned or leased in writing.
    5. Equipment: All equipment specifically required for each activity, must be provided.
    6. Services: All services specifically required for each activity must be provided during the hours of operation.
    7. Hours of Operation: The lessee will adhere to the operating schedule as required for each activity.
    8. Insurance Coverage: The lessee will obtain the highest single coverage in the amounts established for each type of insurance required for the specific activity.

IV Flying Clubs

The following requirements pertain to all flying clubs desiring to base their aircraft on the airport.

1. Flying Club Regulations: Each club must be a non-profit corporation or partnership. Each member must be a bonafide owner of the aircraft or a stockholder in the corporation. The club must not derive greater revenue from the use of its aircraft than the amount necessary for the

actual use or operations, maintenance, and replacement of its aircraft. The club will file and keep current with the Airport Board a complete list of the club's membership and investment share held by each member.

2. Aircraft: The club's aircraft will not be used by other than bonafide members for rental and by no one for commercial operations. Student instruction can be given in club aircraft to club members provided such instruction is given by a lessee based on the airport that provides flight training or by an instructor who shall not receive remuneration in any manner for such service.
3. Violations: In the event that the club fails to comply with these conditions the Airport Board may take any action deemed advisable by the Board.
4. Insurance: Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts: Aircraft liability (bodily injury, property damage, passenger liability); bodily injury to be $500,000.00 each person, $1,000,000.00 each accident, property damage to be $1,000,000.00 each accident.

IV. Lease Proposal Requirements

The Airport Board will not accept an original request to lease land area unless the proposed lessee or operator puts forth in writing a proposal which sets forth the scope of operation he proposes, including the following:

1. The services he will offer.
2. The amount of land the lessee desires to lease.
3. The building space he will construct or lease.
4. The number of aircraft he will provide.
5. The number of persons he will employ.
6. The hours of proposed operation.
7. The number and types of insurance coverage he will maintain.
8. Evidence of his financial capability to perform and provide the above services and facilities.

PASSED AND APROVED this 11th day of January 2012.

The Airport Board of Saratoga

By: Lee Loomis

ATTEST:

Suzie Cox
Secretary