

MINIMUM STANDARDS

FOR

STATESBORO-BULLOCH COUNTY AIRPORT



EFFECTIVE 2/1/2022

TABLE OF CONTENTS

- I. Introduction
- II. Definitions
- III. Application Procedures
- IV. Minimum Standards Applicable to All Operators
- V. Minimum Standards Applicable to FBOs
- VI. Minimum Standards Applicable to SASOs
- VII. Skydiving Operators
- VIII. Non-Aviation Businesses
- IX. Through-The-Fence Operations Policy
- X. Remedies for Failure to Comply With Minimum Standards
- XI. Review & Update Policy
- XII. References

SECTION ONE

INTRODUCTION

Section 1.1 The Statesboro-Bulloch County Airport (the "Airport") is situated in Bulloch County, Georgia. The Airport is jointly owned by Bulloch County and the City of Statesboro and operated by Bulloch County. The Airport is subject to compliance with Bulloch County's purchasing policy and other policies as applicable. Leases and contracts are subject to approval by the Bulloch County Board of Commissioners (the "Board of Commissioners"). If the contract or lease would affect the City of Statesboro's property interest in the Airport, it may be approved by the Mayor and City Council if necessary.

Section 1.2 These minimum standards set forth the minimum requirements that must be met by a person or entity wishing to provide commercial Aeronautical Services to the public at the Airport. All Commercial Aeronautical Service Providers conducting business on the Airport must comply with these minimum standards.

Section 1.3 The Airport is a federally obligated airport and agrees to make available the opportunity to engage in commercial Aeronautical Services to persons or entities that meet these minimum standards. The Airport's purpose in imposing minimum standards is to ensure that a safe, efficient and adequate level of operation and services is offered to the public. In exchange for the opportunity to provide commercial Aeronautical Services, a Commercial Aeronautical Service Provider agrees to comply with the minimum standards. Compliance with the Airport's minimum standards is part of a Commercial Aeronautical Service Provider's Agreement with the Airport.

Section 1.4 Currently the majority of federal funding for the Airport comes from the Federal Aviation Administration's (FAA) Airport Improvement Program (AIP). The AIP is designed to

provide funds for planning and development at public-use airports. As part of receiving funds through the AIP program, airport sponsors are required to ensure the airport will be used for the public good and to comply with Federal Grant Assurances. The purpose of the minimum standards is to assist in complying with Federal Grant Assurances.

Section 1.5 No person or entity shall provide commercial Aeronautical Services at the Airport as a Fixed Base Operator (FBO) unless the person or entity has an Agreement with the Bulloch County Board of Commissioners authorizing the provision of such commercial Aeronautical Services, or unless the person or entity has received written approval from the Board of Commissioners to sublease land or improvements from an authorized Commercial Aeronautical Service Provider and provide the commercial Aeronautical Services at the Airport. Such an Agreement shall not reduce or limit the person's or entity's obligation to comply with these minimum standards.

Section 1.6 Any person or entity that is providing commercial Aeronautical Services at the Airport prior to the adoption of these minimum standards shall have six (6) months from the adoption date of this document to be in compliance with these minimum standards. If such person or entity has not come into compliance within six (6) months after the date of the adoption of these minimum standards, the Airport may grant a waiver for additional time to come into compliance if the person or entity can show good cause as to why compliance has not been achieved.

SECTION TWO

DEFINITIONS

Section 2.1 The following terms, when capitalized, have the following meanings when used throughout this document:

Agreement. A written contract, including but not necessarily limited to a Lease, executed between the Airport and a person or entity and authorizing the conduct of certain activities. The Agreement must be in writing, executed by both parties, and enforceable by law.

Aeronautical Services: Any service or activity conducted at the Airport that involves, makes possible, or is required for the operation of Aircraft, or which contributes to or is required for the safety of such operations. These services or 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 and surveying, Aircraft sales and services, Aircraft storage, sale of aviation petroleum products, repair and maintenance of Aircraft, sale of Aircraft parts, parachute or ultralight activities, and any other services or activities that, because of their direct relationship to the operation of Aircraft, can appropriately be regarded as Aeronautical Services.

Aircraft: Any contrivance used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, or blimp.

Airport Layout Plan (ALP): The plan of the Airport showing the layout of existing and proposed Airport facilities which has been approved by the FAA

Aircraft Parking and Storage Areas: Hangar and apron locations at the Airport designated for the parking and storing of Aircraft

Aircraft Owner: A person or entity holding legal title to an Aircraft, or any person or entity having exclusive possession of an Aircraft.

Airport: “Airport” means the Statesboro-Bulloch County Airport and includes the entire real property owned, leased or under the control of the Airport, whether or not such property is

contiguous to the principal portion of the Airport, together with the applicable approach surfaces lying over such real property, situated in Bulloch County, Georgia.

Airport Committee: The Statesboro-Bulloch County Airport Committee, consisting of a group of individuals appointed by the Bulloch County Board of Commissioners and serving ex-officio. The Airport Committee provides oversight, guidance, and recommendations to the Board of Commissioners concerning the operation of the Airport.

Airport Manager: The individual employed as the Airport Manager of the Statesboro-Bulloch County Airport.

Bulloch County Board of Commissioners or Board of Commissioners. The governing authority of Bulloch County, Georgia.

Commercial Aeronautical Services Provider: Any person or entity who, pursuant to an Agreement with the Airport, is engaged in providing Aeronautical Services at the Airport for compensation, profit, or hire, whether or not such objectives are accomplished or achieved. Any person or entity that is non-profit, charitable, or tax-exempt is not considered a Commercial Aeronautical Services Provider. A Commercial Aeronautical Services Provider may be classified as either a Fixed Base Operator (FBO) or a Specialized Aeronautical Service Operator (SASO).

Entity: Any individual, sole proprietorship, corporation, partnership, limited liability company, association, or other legal entity.

Exclusive Right: A power, privilege or right that excludes another from enjoying or exercising a like power, privilege or right. An exclusive right can be conferred by express agreement, by the imposition of unreasonable standards or requirements, or by any other means.

FAA: “FAA” means the Federal Aviation Administration.

FAR: “FAR” means the Federal Aviation Regulations as adopted by the FAA

Fixed Base Operator or FBO: A Commercial Aeronautical Service Provider that provides one or more Aeronautical Services from a fixed location on the Airport pursuant to an Agreement with the Board of Commissioners.

Lease: A written contract between the Airport and a person or entity authorizing certain activities at a fixed location on the Airport.

Operator: Any Commercial Aeronautical Services Provider, which may be classified as either an FBO or an SASO.

Person: Any individual, sole proprietorship, corporation, partnership, limited liability company, association, or other legal entity.

Rules and Regulations. The Rules and Regulations adopted by the Board of Commissioners that are applicable to the Airport, as amended from time to time.

Specialized Aeronautical Service Operator or SASO: A Commercial Aeronautical Service Provider that provides one or more Aeronautical Services at the Airport without having a fixed location on the Airport.

Sponsor: A local municipal or state government body or private entity obligated to the federal government to comply with the assurances contained in grant agreements or property conveyance. A sponsor may be an entity that exists only to operate the airport. For the purposes of this document, the term airport sponsor and airport owner are synonymous.

Through-the-fence Operations: Arrangements that allow access to public landing areas on the Airport to independent operators offering Aeronautical Services or Aircraft Owners based on land adjacent to, but not a part of, the Airport.

Other Terms: All terms defined in FAA regulations or directives, if applicable to operations conducted at the Airport, are included herein by reference.

SECTION THREE

APPLICATION PROCEDURE FOR FBOS

Section 3.1 A person or entity that wishes to become a Fixed Base Operator at the Airport must present an application to the Airport Manager. If the Airport Manager considers the application to be incomplete, the Airport Manager will notify the applicant regarding any additional information necessary to complete the application. The Airport Manager will document the date that a complete application is received and present the application to the Airport Committee for review and consideration. The Airport Committee will make a recommendation to the Chairman of the Board of Commissioners for approval or denial of the application within ninety (90) days of the date the complete application was received. If the Airport Committee recommends approval of the application to the Chairman of the Board of Commissioners, it will also concurrently recommend approval of any Agreements necessary for the operation of the business. The Board of Commissioners will vote on the application, including any necessary Agreements, within thirty (30) days of the Chairman's receipt of the Airport Committee's recommendation. The applicant may, but is not obligated to, appear before the Airport Committee and the Board of Commissioners when the application is presented. Any decision by the Board of Commissioners to reject an application shall be final, and there shall be no further administrative appeal of the decision.

Section 3.2 The application must include the following information:

3.2.1 Proposed nature of the business;

3.2.2 Name and contact information of the applicant (including all parties who may appear on leases or other documents as being a partner);

3.2.3 Directors and corporate officers;

3.2.4 Proposed location of business, including plans for any required improvements;

3.2.5 Proof of any required insurance;

3.2.5 Names and qualifications of individuals who will manage the business; and

3.2.6 If an applicant proposes site development and/or capital improvements with an estimated cost in excess of \$100,000, then the following information must also be submitted:

3.2.6.1 Current financial statement;

3.2.6.2 Listing of all assets owned, being purchased, or proposed to be leased that will be used in the business; and

3.2.6.3 Credit reports of business owners.

3.2.7 If the applicant proposes site development, the following requirements apply:

3.2.7.1 Detailed development plans must be submitted with the application;

3.2.7.2 All construction plans must be approved by the Airport Committee, the FAA, GDOT, and the Board of Commissioners prior to modification

or construction of any building, hangar, or other aeronautical facility on the leased premises;

3.2.7.3 FBOs must maintain the leased premises in a neat and orderly condition and provide the necessary personnel to perform day-to-day operational duties and maintenance upon the facilities; and

3.2.7.4 Except for special events sanctioned by the Airport Committee (e.g., “Airport Day”), no temporary structures, campers, motorhomes, or tents are allowed on the Airport.

3.2.8 If the applicant proposes hangar construction, the following requirements apply:

3.2.8.1 Hangars built on leased property shall be no smaller than 45’ x 35’;

3.2.8.2 Hangars shall be of metal construction;

3.2.8.3 Hangars shall meet the most current standard building codes, including the current National Fire Protection Association (NFPA) 409 Standard on Aircraft hangars;

3.2.8.4 Hangars shall have a concrete foundation and floor with the floor level above the adjoining ramp;

3.2.8.5 The foundation shall be sufficient to support the building structure;

3.2.8.6 The building color and materials shall be compatible with nearby buildings;

3.2.8.7 The hangar roof shall be 1:12 pitch or greater;

3.2.8.8 Any required apron needed to connect the hangar with the Airport ramp will be at the expense of the lessee and must be adequate to support any Aircraft which might be housed in the hangar;

3.2.8.9 Required utilities shall be at the expense of the lessee;

3.2.8.10 The lessee must have adequate liability insurance during construction and during the term of the lease; and

3.2.8.11 The Airport Committee shall determine how much land area is required on a case-by-case basis.

SECTION FOUR

MINIMUM STANDARDS APPLICABLE TO ALL OPERATORS

The following minimum standards shall apply to all Operators providing Aeronautical Services at the Airport:

Section 4.1 The Operator shall at all times comply with (i) these minimum standards; (ii) the Airport's Rules and Regulations; (iii) any other conditions or restrictions applicable to the Airport; (iv) OSHA occupational safety and EPA environmental compliance regulations; and (v) federal, state, and local laws, ordinances, codes and other regulatory measures now in existence or as may hereafter be adopted, modified or amended and that are applicable to the specific type of operation contemplated.

Section 4.2 The Operator shall procure and maintain during the entire period that Aeronautical Services are provided all licenses, permits and other similar authorizations required for the conduct

of business operations. The Operator shall not engage in any activities at the Airport prior to obtaining any certifications required by the FAA.

Section 4.3 All Aeronautical Services at the Airport shall, at all times, be conducted with due consideration for the safety of all Airport users, other persons, and property located at or about the Airport.

Section 4.4 Any unreasonable restrictions imposed on owners or operators of Aircraft by an Operator will be construed as a violation of Airport policy.

Section 4.5 Operators shall provide products and services on a fair, equal, and nondiscriminatory basis to all users of the Airport at fair, reasonable, and nondiscriminatory prices. If lawful, reasonable and nondiscriminatory discounts and other similar types of price reductions may be extended to purchasers and users.

Section 4.6 The Operator shall hold harmless and indemnify the City of Statesboro, Bulloch County, the Statesboro-Bulloch County Airport, and the officials, officers, agents and employees of the City of Statesboro or Bulloch County (collectively the “Indemnitees”) from and against any and all suits, claims, demands, actions and/or causes of action of any kind or nature in any way arising out of or resulting from the Operator’s tenancy or activities on or about the Airport and shall pay all expenses in defending any claims against the Indemnitees by reason of this tenancy and activities.

Section 4.7 If any Operator is delinquent in the payment of any rental, fees, or other charges owed to the Airport, the Board of Commissioners, without limiting any other remedy that may be available at law or in equity, may terminate any Agreement with the Operator and prohibit the Operator from providing any further Aeronautical Services at the Airport.

SECTION FIVE

MINIMUM STANDARDS APPLICABLE TO FBOS

The following minimum standards shall apply to all Operators providing Aeronautical Services at the Airport as a Fixed Based Operator:

Section 5.1 No person or entity shall provide commercial Aeronautical Services at the Airport as an FBO unless a valid Agreement authorizing such services has been entered into by the person or entity and the Board of Commissioners. The Agreement will present the terms and conditions under which the services will be provided at the Airport, including but not limited to (i) the term of the Agreement; (ii) the nature and scope of the Aeronautical Services to be provided; (iii) rentals, fees, and charges to be paid to the Airport; and (iv) the rights and obligations of the respective parties.

Section 5.2 Upon the expiration or other termination of any Agreement, the FBO's rights to the premises, facilities, and other rights, licenses, services and privileges granted in the Agreement shall cease and the FBO shall, upon such expiration or termination, immediately and peacefully surrender the leased premises and cease providing Aeronautical Services at the Airport.

Section 5.3 Any FBO at the Airport shall provide Aeronautical Services only in accordance with all applicable laws, rules, and regulations of the federal government, the State of Georgia, Bulloch County, and all other governmental bodies having jurisdiction, including but not limited to the regulations of the FAA, the United States Department of Transportation, Georgia Department of Transportation, and Bulloch County.

Section 5.4 Any changes to the nature or scope of approved Aeronautical Services shall require an amendment to any Agreements to include the new Aeronautical Services. An application for approval of the new Aeronautical Services shall be required.

Section 5.5 All personnel providing Aeronautical Services for an FBO are required to hold appropriate FAA certificates and ratings, as applicable.

Section 5.6 The FBO shall pay any rental, fees and charges due to the Airport in a timely manner.

Section 5.7 The FBO shall lease, sublease, or construct sufficient ground space, facilities, and accommodations for the proposed Aeronautical Services.

Section 5.8 The FBO shall, at its sole cost and expense, pay any and all taxes which now or in the future may be assessed against the leased property, improvements thereto, or otherwise assessed upon its operations.

Section 5.9 In the event the FBO becomes insolvent or the subject of any kind or chapter of bankruptcy proceeding, or if a receiver, assignee or other liquidating officer is appointed for the business of the FBO, then the Board of Commissioners may terminate any Leases or other Agreements with the FBO.

Section 5.10 Nothing herein contained shall be construed to grant or otherwise imply the granting of an Exclusive Right to the FBO, except as to the leased premises to be occupied by the FBO, which areas shall be for the FBO's exclusive use.

Section 5.11 FBOs subleasing from other FBOs must meet the same requirements as if they were operating under an Agreement with the Airport. All assignments, subletting, and encumbrances of Agreements between an authorized FBO and another person or entity must receive prior written

approval of the Board of Commissioners. A request for such written permission, prepared in as much detail as required by the Airport, will be submitted to the Airport Manager for review and approval by the Airport Committee and Board of Commissioners, which will be completed in a timely fashion. This does not apply to activities provided for under the terms of an existing Agreement, including rental to tiedowns and hangar space for Aircraft storage. Permission will not be unreasonably withheld and responses to requests will be made within 60 days of receipt by the Airport Manager. Any purported assignment, subletting, or encumbrance of an existing Agreement without such prior approval shall be null and void.

Section 5.12 During the term of any Agreement, the FBO shall procure and maintain insurance policies with the coverages and minimum limits set forth below with an insurance company or companies licensed to do business in the State of Georgia. Each insurance policy will contain a provision that requires the insurer to give the Board of Commissioners thirty (30) days' prior written notice of any modification to or cancellation of the insurance policy or coverage, and Bulloch County and the City of Statesboro and their officials, officers, and employees shall be named as additional insureds on all policies. The FBO will promptly provide the Airport manager with certificates of insurance evidencing the required insurance coverages and minimum limits. The Board of Commissioners, upon a recommendation of the Airport Committee, may waive or vary insurance requirements if the Board of Commissioners determines that (i) due to the particular nature of the Aeronautical Service(s), an FBO is unable to obtain the required insurance; and (ii) the waiver or variance will not substantially increase the County's or the City's exposure to liability. Subject to such a waiver or variance, an FBO will be required to procure and maintain the following types of insurance coverage:

5.12.1 Commercial general liability insurance with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate, including, if applicable, products liability, completed operations, and hangar keeper's liability.

5.12.2 Aircraft liability insurance, if applicable, with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate. For flight training and rental activities, the FBO will be required to notify the customer as to whether or not any of the FBO's insurance coverage applies to the customer while using the FBO's Aircraft.

5.12.3 Workers' compensation insurance, if applicable, as required by law.

5.12.4 Ground vehicle liability insurance, if applicable, with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate.

Section 5.13 Other than self-fueling, the Airport reserves the exclusive right to sell or dispense aviation fuel.

Section 5.14 The FBO shall not erect, maintain, or display any sign on the leased premises or elsewhere on the Airport unless he first obtains the prior consent of the Airport Manager. All signage must meet the requirements of the Airport.

SECTION SIX

MINIMUM STANDARDS APPLICABLE TO SASOS

The following minimum standards shall apply to Operators providing Aeronautical Services at the Airport as a Special Aeronautical Service Operator.

Section 6.1 Persons or entities desiring to provide Aeronautical Services at the Airport as an SASO shall be required to obtain permission from the Airport Manager prior to providing such services.

Section 6.2 SASOs shall be required to provide the Airport Manager with their plans for providing Aeronautical Services, including the type of Aeronautical Service(s) to be provided and the frequency with and hours during which such services will be provided.

Section 6.3 All SASOs who handle fuel, or other hazardous chemicals, shall strictly comply with all federal, state, and local laws, rules, and regulations concerning the handling and use of fuel, oil, solvents, chemicals, and other hazardous materials.

SECTION SEVEN

SKYDIVING OPERATORS

Section 7.1 Any skydiving operator who proposes to have skydivers land on the Airport shall be required to enter into an operating agreement with the Board of Commissioners setting forth the requirements for and parameters of the skydiving operation, including but not limited to the location of the drop zone. The operating agreement is intended, in part, to satisfy the requirement of 14 CFR § 105.23, which provides that “no person may conduct a parachute operation, and no pilot in command may allow a parachute operation to be conducted from that aircraft, over or onto any airport unless . . . (b) for airports without an operating control tower, prior approval has been obtained from the management of the airport to conduct parachute operations over or on that airport.”

Section 7.2 Any skydiving operator who proposes to have skydivers land on the Airport must use the area designated by the Airport as a drop zone. If improvements are needed, the plans must be submitted to the FAA, GDOT, the Airport Committee, and the Board of Commissioners for consideration. If the plan is approved, the skydiving operator shall provide at its expense any drop

zone improvements needed in accordance with the approved plan. The drop zone shall be subject to inspections by Airport or Bulloch County personnel.

Section 7.3 The skydiving operator shall be required to lease and pay reasonable rental for the property used as a drop zone on the Airport.

Section 7.4 Skydiving operators shall be required to meet the minimum standards for an FBO since the drop zone will be a fixed location on the Airport.

SECTION EIGHT

NON-AVIATION BUSINESSES

Section 8.1 Whereas the Airport is designed for aviation use, a non-aviation use may be permitted in a location designated by the Board of Commissioners upon approval by the FAA, GDOT, the Airport Committee, and the Board of Commissioners.

Section 8.2 Any necessary improvements for a non-aviation use shall be pre-approved by the FAA, GDOT, the Airport Committee, and the Board of Commissioners. The lessee will be responsible for any and all necessary improvements and pay the costs of same.

Section 8.3 The lessee shall procure and maintain adequate insurance for the non-aviation use and provide proof of same to the Airport Manager.

Section 8.4 The Board of Commissioners reserves the right to implement restrictions on the use and charge a fee to access facilities.

SECTION NINE

THROUGH-THE-FENCE OPERATIONS POLICY

Section 9.1 Through-the-Fence Operations are not allowed at the Airport.

SECTION TEN

REMEDIES FOR FAILURE TO COMPLY WITH MINIMUM STANDARDS

Section 10.1 Without limiting the right to pursue any other remedy that may be available at law or in equity, the Board of Commissioners may take the following actions against any person or entity who fails to comply with these minimum standards.

10.1.1 The Board of Commissioners, at its discretion, reserves the right to terminate any Agreement, including but not limited to a Lease, with any person or entity who fails to comply with these minimum standards.

10.1.2 The Board of Commissioners, at its discretion, reserves the right to initiate any civil action or suit for any legitimate civil claim or claims arising from the failure of any person or entity to comply with these minimum standards.

10.1.3 The Board of Commissioners, at its discretion, reserves the right to refer any violation of these minimum standards to law enforcement for criminal prosecution if such violation reasonably appears to constitute a criminal offense.

SECTION ELEVEN

REVIEW AND UPDATE POLCY

Section 11.1 From time to time, Airport operational considerations and growth may require the Airport Committee and the Bulloch County Board of Commissioners to consider updating these minimum standards.

Section 11.2 Representatives of the Airport Committee and/or the Board of Commissioners will endeavor to notify existing Commercial Aeronautical Service Providers and request their input on any proposed changes to these minimum standards.

Section 11.3 The Airport Committee and the Board of Commissioners reserve the right to amend, modify, rescind, or change, in any manner whatsoever, the minimum standards, regardless of whether existing or proposed Commercial Aeronautical Service Providers consent to such changes.

Section 11.4 A person or entity that wishes to propose an amendment or update to these minimum standards should present a proposal to the Airport Manager. The Airport Manager will present the proposal to the Airport Committee and the Board of Commissioners for review and consideration.

SECTION TWELVE

REFERENCES

FAA Advisory Circular 150/5190-7 entitled “Minimum Standards for Commercial Aeronautical Activities” (www.faa.gov/documentLibrary/media/advisory_circular/150-5190-7/150_5190_7.pdf),

FAA Order 5190.6B Airport Compliance Handbook Chapter 10

(www.faa.gov/airports/resources/publications/orders/compliance_5190_6/).

Middle Georgia Regional Airport Minimum Standards for Aeronautical Services

NATA-Airport Sponsors Guide to Minimum Standards & Airport Rules and Regulations – 2009

Standard Operating Procedures of Livingston County Airport 1998

Warsaw Commercial Aeronautical Services Minimum Standards

