



# Montgomery County Airpark

## Minimum Standards for Commercial Aeronautical Service Providers

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MONTGOMERY COUNTY REVENUE AUTHORITY  
MINIMUM STANDARDS  
FOR COMMERCIAL AERONAUTICAL SERVICE PROVIDERS  
AT  
MONTGOMERY COUNTY AIRPARK

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## **Article 1: General Statement of Policy**

These Minimum Standards for Commercial Aeronautical Service Providers are hereby originally adopted by the Montgomery County Revenue Authority (Authority) for the Montgomery County Airpark (Airport) this 15th day of December 2022, superseding any and all previous documents of this kind previously adopted by the Revenue Authority or its predecessor. The purpose of these Minimum Standards is to set forth reasonable conditions for commercial aeronautical operations at the Airport. They will help to ensure that safe, efficient, and adequate levels of operations and services are offered to the public. Notwithstanding the provisions herein, each Operator shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA requirements and applicable laws and regulations.

The Airport is publicly owned and operated and is subject to certain Federal obligations to operate in a financially self-sustaining manner and to make available to all persons, firms, or corporations the opportunity to engage in Commercial Aeronautical Activities upon reasonable conditions and without unjust discrimination. Those Activities may be permitted to be conducted at the Airport in accordance with the Minimum Standards as established, adopted, and revised from time to time by the Revenue Authority to serve the needs of the Airport, its users, and the public and in accordance with the Revenue Authority's FAA Airport Improvement Program grant agreement obligations. It shall be the policy of the Revenue Authority that any person, firm, or corporation wishing to provide Aeronautical Services to the public or conduct special Commercial Aeronautical Activities as defined herein at the Airport shall be given equal opportunity to compete on fair and reasonable terms and in compliance with all applicable laws.

These Minimum Standards were developed pursuant to guidance provided in FAA Advisory Circular 150/5190-7, Minimum Standards for Commercial Aeronautical Activities, dated August 28, 2006, and other applicable FAA guidance materials. The Revenue Authority may make revisions and amendments to these Minimum Standards when business conditions at the Airport necessitate it, or when necessary to comply with FAA, Transportation Security Administration (TSA), or other governmental regulations.

Commercial Aeronautical Activities not addressed in the Minimum Standards will be considered by the Revenue Authority on a case-by-case basis and may be permitted upon terms and conditions set forth in a written Lease or other Agreement in accordance with this General Statement of Policy.

Except as permitted by Federal law or FAA policy, nothing herein shall be construed to grant or otherwise authorize the granting of an exclusive right to provide any Aeronautical Service to the public or to conduct any Aeronautical Activity on the Airport. For purposes of these Minimum Standards, an exclusive right is a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right.

The Revenue Authority intends to apply these Minimum Standards in a consistent, uniform, and

fair manner to accomplish the Revenue Authority's goals and promote successful commercial aeronautical business operations at the Airport.

## **Article 2: Business Activities**

Subject to applicable orders, certificates, or permits of the FAA or its successor, Grant Agreements with the FAA, and the laws of the State of Maryland, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for a revenue-producing Commercial Aeronautical Activity to serve the public in violation of these Minimum Standards.

## **Article 3: Definitions**

For purposes of these Minimum Standards, the following definitions shall apply:

**Aeronautical Services/Activities** means any activity or service conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or that contributes to or is required for the safety of such operations. The following services/activities commonly conducted on Airports are Aeronautical Activities within this definition: charter operations, air cargo operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, aircraft storage and any other activities that, because of their direct relationship to the operation of an aircraft, can appropriately be regarded as an "Aeronautical Activity."

**Agreement** means the written agreement between the Revenue Authority and an Operator, or a subtenant or licensee of another lease holder specifying the terms and conditions under which the Operator may conduct commercial aviation activities. Such Agreement shall recite the terms and conditions under which the activity shall be conducted at the Airport, including but not limited to rents, fees, taxes, and charges to be paid, and the rights and obligations of the respective parties.

**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), unmanned aerial vehicles (or drones), balloon, and blimp.

**Aircraft Fuel** means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine in an aircraft.

**Aircraft Fueling Vehicle** means any vehicle used for the transportation, delivery, and dispensing of Aircraft Fuel.

**Aircraft Movement Area** means the runways, taxiways, and other areas of the Airport utilized for taxiing, hover taxiing, air taxiing, and takeoff or landing of aircraft, exclusive of loading ramps,

maintenance ramps and aircraft parking areas.

**Airplane Design Group** means the FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:

- Group I: Up to but not including 49 feet
- Group II: 49 feet up to but not including 79 feet
- Group III: 79 feet up to but not including 118 feet
- Group IV: 118 feet up to but not including 171 feet
- Group V: 171 feet up to but not including 214 feet
- Group VI: 214 feet up to but not including 262 feet

**Airport** means all the Revenue Authority-owned or leased real or personal property comprising the Montgomery County Airpark as now exists or as may hereafter be expanded and developed. "Airport" includes all its facilities as shown on the most current Airport Layout Plan.

**Revenue Authority** means an instrumentality of Montgomery County, Maryland as defined in Chapter 42. Revenue Authority of the Montgomery County Code.

**Airport Manager** means the Revenue Authority's Airport Manager or other person specifically designated by the Revenue Authority to act in the Airport Manager's absence. The Airport Manager is responsible for and is hereby empowered and authorized to require compliance with these Minimum Standards with respect to all Commercial Aeronautical Activities conducted at the Airport

**Airport Layout Plan** means the FAA approved and Airport adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and Airport depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, nav aids, etc., and proposed allocation of Airport land and/or improvements to specific uses and/or development.

**Code of Federal Regulations (CFR)** means the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.

**Commercial Aeronautical Activity** means an Aeronautical Activity for commercial purposes. A Commercial Aeronautical Activity also includes any third party or contract employee engaged in the performance of an Aeronautical Activity for compensation or hire at the Airport who is not an employee of a Fixed Base Operator or a Specialized Aviation Service Operator. For purposes of this definition, "commercial purposes" is the conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

**FAA** means Federal Aviation Administration.

**Fixed-Base Operator (FBO)** means any individual, firm or corporation duly licensed and authorized, to offer Aeronautical Services to the public at the Airport as set forth herein.

**Fuel Flowage Fee** means a fee paid to the Revenue Authority for each gallon of fuel distributed on the Airport.

**Fuel Storage Area** means any portion of the Airport designed temporarily or permanently by the Revenue Authority as an area in which aviation or motor vehicle fuel or any other type of fuel or fuel additive may be stored.

**Fueling or Fuel Handling** means the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from fuel storage tanks, aircraft, vehicles, or equipment.

**Ground Service Equipment** means any ground-based equipment utilized in the servicing of aircraft.

**Independent Operators** means any fully licensed and certified individuals or independent contractors not affiliated in any way with established business based on the Airport. These individuals or contractors must obtain a permit or license from the Revenue Authority to conduct commercial aeronautical activities on the Airport.

**Lease** means the written, contractual Agreement between the Revenue Authority and an entity which is enforceable by law, wherein said Agreement grants a concession or otherwise authorizes the conduct of certain activities.

**Minimum Standards** means these Minimum Standards for Commercial Aeronautical Service Providers adopted by the Revenue Authority, as amended from time to time.

**Operator** means either a Fixed Base Operator or a Specialized Aviation Service Operator, as applicable, or the Revenue Authority, when performing a Commercial Aeronautical Activity, unless the context clearly indicates another meaning.

**Personnel** means persons who are employees of an Operator or who are contractually obligated to render services to the public on behalf of an Operator.

**Specialized Aviation Service Operator (SASO)** means a Commercial Aeronautical Activity or any entity that provides any one or more of the services listed in Article 8 of these Minimum Standards but does not operate as a full-service FBO.

**State** means the State of Maryland.

**Sublease** means a written agreement, approved by the Revenue Authority, stating the terms and conditions under which a third-party leases space from a lessee for the purpose of providing aeronautical services at the Airport.

**Two-way Radio** means a two-way communication system operated by a non-governmental entity that provides Airport advisory information.

## **Article 4: General Requirements**

**4.1.** Operators shall meet or exceed the requirements of this Article as well as the standards applicable to the Operator's activities at the Airport.

**4.2.** Each prospective Operator shall demonstrate, to the satisfaction of the Revenue Authority, that it is capable of consistently providing the proposed Commercial Aeronautical Activity in a safe, secure, efficient, prompt, courteous, and professional manner for a fair and reasonable price. This includes, but is not necessarily limited to, demonstrating that the prospective Operator's aviation/business background and experience is appropriate for the proposed Commercial Aeronautical Activities, and that the prospective Operator has the resources (including, but not limited to, the financial capacity) to realize its business objectives.

**4.3.** Each prospective Operator shall provide evidence, satisfactory to the Revenue Authority, of its financial responsibility. The prospective Operator shall also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to conduct the business.

**4.4.** No Operator shall engage in any type of Commercial Aeronautical Activity or service at the Airport without first obtaining a written Lease, Permit, License or Agreement from the Revenue Authority authorizing such Commercial Aeronautical Activity in accordance with specifications established by the Revenue Authority. Leases, Permits, Licenses or Agreements shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold.

**4.5.** Operators shall comply with applicable federal, state, and local laws, and all regulations, orders, certificates or permits required by FAA, the Environmental Protection Agency, local fire regulations, and any other federal, state, or local agencies and successors having jurisdiction over the Airport and the activities at the Airport, as may change from time to time.

**4.6.** Each Operator shall conduct its business in a lawful and sanitary manner including, but not limited to, the timely handling and disposal of all solid waste, regulated waste, and other materials. The piling and storage of crates, boxes, barrels, containers, refuse, and surplus property is not permitted upon Airport property.

**4.7.** Each Operator shall, at its sole expense, provide and maintain all equipment and facilities of the Operator, and shall provide the required services and level of performance in a clean and safe condition at all times.



**4.8.** Each Operator shall furnish good, prompt, courteous, and efficient services adequate to meet all reasonable demands on a fair, reasonable, and nondiscriminatory basis to all users of the Airport who wish to avail themselves of the Operator's services. It shall maintain and operate its business in a first-class manner and shall at all times keep its premises in a safe, clean, and orderly condition, consistent with the business activity contemplated hereunder and reasonable satisfaction of the Revenue Authority.

**4.9.** Each Operator shall provide a standard of service that is at least as high as that which is typical and customary of providers at similarly situated Airports. Such standard of service shall include, without limitation, providing equal and responsive service to all users and customers of the Airport.

**4.10.** Each Operator shall lease from the Revenue Authority, or provide under terms agreeable to the Revenue Authority, for its exclusive use, sufficient land and/or facilities for the services to be offered as set forth in these Minimum Standards, or otherwise as required by the Revenue Authority for the type of services to be offered. Upon the written approval of the Airport Manager, the minimum leasehold/acreage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.

**4.11.** Each Operator shall lease or construct a building or buildings that shall provide sufficient, adequate, and properly lighted and heated space for work areas, office spaces, storage, and a public waiting area that includes access to indoor restroom facilities. Upon written approval of the Airport Manager, the minimum square footage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.

1. No building, structure, tie-downs, ramps, paving, taxi areas, or other improvements or additions to the Airport shall be altered, removed, placed, or constructed on the Airport without the prior written approval of the Revenue Authority.
2. Construction of any new Airport facilities shall comply with all federal, state, and local rules and regulations.
3. In the event of any construction, the Revenue Authority may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition.
4. The Revenue Authority shall approve all plans and specifications prior to construction, and a notice of proposed construction required by 14 CFR Part 77 is to be prepared by the Operator and submitted to the Airport Manager for FAA coordination and approval.
5. All constructed improvements shall revert to the ownership of the Revenue Authority upon substantial completion of said improvements unless by agreement the improvements are to be demolished or otherwise removed by the Operator.

**4.12.** Each Operator shall provide a sufficient number of properly certificated, rated and/or trained personnel to carry out their assigned duties for each service provided. Multiple responsibilities may be assigned to personnel to meet the requirement set forth herein. Where more than one activity is being provided by an Operator, multiple uses can be made of aircraft; except aerial applicator (agricultural) aircraft and those aircraft designated as exclusive use by FAA regulations.

**4.13.** Each Operator shall make its services available to the public in accordance with the operating schedule described herein for each activity being provided.

**4.14.** Each prospective Operator shall demonstrate to the Revenue Authority's satisfaction evidence of its ability to acquire and maintain insurance coverage as stipulated by the Revenue Authority for each particular type of Commercial Aeronautical Activity and as provided below and shall provide for an endorsement of such coverage on the Operator's insurance policy:

1. The insurance company, or companies, writing the required policy, or policies, shall be licensed to do business in the State of Maryland.
2. Where more than one Aeronautical Service is proposed, the minimum limits shall vary, depending upon the nature of individual services, but shall not necessarily be cumulative in all instances. For example, if three (3) activities are chosen, it would not be necessary for the Operator to carry insurance policies providing the combined total of the minimum limits for each type of operation; however, if one of the selected activities required passenger liability coverage or hangar keeper's liability not required in either of the other two categories, the Operator would be required to provide insurance on the applicable exposures. As a further example, the minimum limit of property damage on a combination of activities would be the highest minimum limit stated in the grouping chosen. Because of these variables, the applicable minimum insurance coverage on combinations of services shall be discussed with the prospective Operator following the submission of the application.
3. All insurance that the Operator is required to carry and keep in force shall include the officers, agents, and employees of the Revenue Authority named as an additional insured as well as a waiver of subrogation in favor of the Revenue Authority.
4. Each Operator shall furnish evidence of compliance with this requirement to the Revenue Authority with proper certification that such insurance is in force and shall furnish additional certification as evidence of changes in insurance not less than ten days prior to any such changes, if the change results in a reduction of coverage, and not more than five days after such change if the change results in an increase in coverage.
5. The applicable insurance coverage shall be in force during the period of any construction of the Operator's facilities and/or prior to Operator's entry upon the Airport for the conduct of business.

6. Each Operator shall furnish evidence of compliance with the applicable law with respect to workmen's compensation and unemployment insurance.
7. Each Operator shall procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance as required by the Revenue Authority.

**4.15.** Each Operator shall protect, defend, and hold the Revenue Authority and its employees, agents, and contractors harmless from and against all liabilities, losses, suits, claims, judgments, fines, or demands, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to Operator's use of Airport facilities, including use or occupancy of its premises or relating to its premises, including the injury or death of any person or damage to any property, any environmental matter, (including but not limited to expert, investigation, and/or remediation costs and expenses of any site remediation), any other acts or omissions of Operator's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, damage, or other liability may occur, unless such injury, death, damage, or other liability is caused by the sole negligence of the Revenue Authority, its agents, employees, tenants, or contractors.

**4.16.** Each Operator shall pay all fees, charges, taxes, and other necessary payments associated with their operation at the Airport in a timely manner.

#### **Article 5: Application**

An application shall be made to the Revenue Authority for permission to carry on any Commercial Aeronautical Activity at the Airport. This application must be submitted to the Revenue Authority in writing no later than 120 days prior to the commencement of the Commercial Aeronautical Activity. Three complete originally signed applications, as set forth herein, shall be delivered to the office of the Airport Manager. The application shall be in writing and in sufficient detail to discern the complete qualifications of the applicant to perform the proposed Commercial Aeronautical Activity and shall include, as a minimum, the following:

1. A description of the proposed business activity including:
  - a. The name, addresses, electronic mail address, and telephone number of the applicant.
  - b. A detailed description of the proposed Commercial Aeronautical Activity including the proposed date of commencement of the services and proposed hours of operation.
  - c. The amount, size, and location of the land and/or facilities to be leased.
  - d. Descriptions and cost estimates of any proposed capital improvements for the

- proposed site.
- e. The number and type of aircraft to be based, if applicable.
  - f. The number of persons to be employed.
  - g. An organizational chart listing the number of positions and staff to be assigned to the Airport including the professional and technical qualifications of personnel who will manage and/or operate the proposed business.
  - h. The types and amounts of insurance coverage to be maintained for the proposed operation.
2. A current financial statement prepared by the Chief Financial Officer of the applicant and certified by an independent certified public accountant. The Revenue Authority shall consider financial statements in evaluating the applicant's financial ability to provide responsible, safe, and adequate service to the public.
  3. A written listing of the assets owned, leased, or being purchased that will be used in the business on the Airport. Copies of any relevant leases or purchase contracts shall be attached.
  4. If applicable, a statement indicating past experience in providing the specified services proposed to be offered at the Airport, including references from up to three (3) individuals familiar with the applicant's ability to perform such services.
  5. A written acknowledgement that the applicant shall execute such forms, releases, or discharges as may be required by the FAA and all aviation or aeronautic 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 current or proposed operation.

**5.1.** The application shall be signed and submitted by the owner of the business if a sole proprietorship; every partner if a partnership; every member if a liability company (LLC); and the President or CEO if a corporation.

**5.2.** The applicant shall agree to provide any additional information and material necessary or requested by the Revenue Authority to establish to the satisfaction of the Revenue Authority that the applicant can qualify and shall comply with these Minimum Standards.

## **Article 6: Action on Application**

After an application has been completed and material submitted in accordance with Article 5, the matter shall be considered first by the Airport Manager, then referred to the Revenue Authority for consideration. A decision shall be made by the Revenue Authority within 60 days.

The Revenue Authority may deny any application if it finds any one or more of the following:

1. The applicant does not meet the qualifications, standards, and requirements established by these Minimum Standards.
2. The applicant's proposed operation or construction will create a safety hazard on the Airport or may otherwise not be in accordance with law.
3. The granting of the application will require the Revenue Authority to spend funds, supply labor or materials in connection with the proposed operation, or the operation is expected to result in a financial loss to the Revenue Authority.
4. Inappropriate, inadequate, or insufficient space exists in buildings at the Airport to accommodate the entire activity of the applicant at the time of application, or, no available Airport land suitable for construction of buildings and facilities exists to accommodate the entire activity of the applicant at the time of application.
5. The development or construction on the Airport necessary to accommodate the proposed business does not comply with the FAA-approved Airport Layout Plan for the Airport.
6. The development or use of the area requested by the applicant will adversely affect the safe and efficient operation of the Airport
7. The applicant has either intentionally or unintentionally misrepresented or omitted any pertinent information in the application or in supporting documents.
8. Any party applying or having an interest in the business that has a credit report containing derogatory information.
9. The applicant has a record of violating any rules or regulations of the Airport or of any other Airport, FAA regulations, or any other federal, state, or local statutes, laws, rules, or regulations.
10. The applicant has defaulted in the performance of any lease or any other agreement with the Revenue Authority or other Airport(s).
11. The applicant does not, in the opinion of the Revenue Authority, exhibit adequate financial responsibility to undertake the project based upon financial information provided.
12. The applicant cannot provide acceptable surety in the amount required by the Revenue Authority for that contract.

## **7 Requirements and Minimum Standards for Fixed Base Operators (FBOs)**

The following shall apply to an FBO at the Airport:

### **7.1. Scope of Services**

An FBO is (i) an Operator that has entered into a written Lease or Agreement authorizing and enabling it to engage in the sale of aeronautical products, services, and facilities required in accordance with this Article and Article 4, or (ii) the Revenue Authority when it provides the services of an FBO. Only FBOs shall be permitted to provide commercial Aircraft Fueling services and operate retail Aircraft Fueling facilities at the Airport. An FBO shall provide all the services required in this Article. Each FBO shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations and the following Minimum Standards.

## **7.2. Fixed Based Operator Minimum Standards**

Each FBO shall meet or exceed the following minimum requirements:

### **7.2.1. Airplane Design Group Serviceability**

The minimum Airplane Design Group aircraft to be supported by an FBO shall be Group II. Manager, Staffing, and Employee Qualifications

1. Select and appoint a full-time manager for its operation at the Airport. Such manager shall be highly qualified and experienced and be vested with full power and authority to act in the name of the FBO with respect to the method, manner, and conduct of the services to be performed hereunder. Such manager shall be available at the Airport during regular business hours, and during the manager's absence, a duly authorized and qualified subordinate shall be in charge of the FBO and on the FBO Premises at the Airport.
2. Provide, at its sole expense, a sufficient number of employees to effectively and efficiently provide the services herein authorized. During the required hours of operation, employ and have on duty sufficient staff to meet the Minimum Standards for each Commercial Aeronautical Activity provided. However, multiple responsibilities may be assigned to employees where feasible. Provide to the Airport a current written statement of the names, general technical qualifications, addresses, telephone numbers, and other necessary contact information for all personnel responsible for the operation and management of the FBO. In addition, provide the Revenue Authority a point-of-contact with phone numbers for emergency situations.
3. Ensure all aircraft Fuel Handling personnel are trained in the safe and proper handling, dispensing, and storage of Aircraft Fuel. Acceptable training shall be an FAA approved safety training course in accordance with FAA Advisory Circular 150/5230-4 and the National Air Transportation Association (NATA) "Safety First" Program or equivalent training program acceptable to the Revenue Authority. All training records and qualifications shall be provided to the Revenue Authority.
4. Control the conduct, demeanor, and appearance of its employees and representatives. Such employees shall be trained and possess technical qualifications, and hold

certificates of qualifications, as may be required for such employees to carry out assigned duties. Maintain close supervision over employees to ensure a high standard of service to customers of the FBO.

5. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

### **7.2.2. Hours of Operation**

Be open for business and provide Aircraft Fueling and aircraft line services for duration sufficient to serve the demands of customers operating at the Airport. Generally, this will require coverage during the hours of 0800-1700 EST seven days a week, except when necessitated by business or emergency conditions. Exceptions to these minimum operating hours may be granted by the Airport Manager for certain holidays, or when special circumstances, conditions, or events warrant a reduction in operating hours.

### **7.2.3. Premises**

FBO premises shall comprise sufficient Airport land for the co-location of aircraft parking and servicing, a public use terminal building, automobile parking, hangar(s), aviation fuel storage area and tanks, and related structures and improvements thereon as more fully described below:

6. A public use terminal building with adequate square feet to include properly lighted, heated, and air-conditioned space to support the following services and activities:
  - i. a convenient, comfortably furnished, public lobby waiting area with adjoining public restroom facilities,
  - j. a customer service counter area equipped with two-way radio equipment to facilitate airborne customer requests as well as credit card transaction equipment capable of accepting one or more national bank and major oil company credit cards for fueling, line, and related services,
  - k. a flight planning work area properly equipped with appropriate wall charts, telephone, an FAA issued Airport Information Manual, a “Notice to Airmen” board, flight service station, and weather service communication links,
  - l. pilot’s lounge,
  - m. offices,
  - n. a public conference room,
  - o. complimentary wireless public internet access (Wi-Fi).
7. A clear span hangar of adequate dimensions to accommodate storage of Airplane

Design Group II aircraft.

8. An aircraft apron comprised of sufficient paved area for parking, tie-down, and maneuvering of aircraft, constructed to engineering standards for the current Airplane Design group aircraft at the Airport as defined in the existing Airport Layout Plan. Aircraft apron space may be leased from the Revenue Authority or constructed by the Operator.
9. Fuel Storage Area capable of storing a minimum of 10,000 gallons of aviation fuel for each type of fuel provided, and in a location approved by the Airport Manager; and,
10. Customer and employee parking as required by local building and zoning code requirements.

#### 7.2.4. Required Services

Provide, at a minimum, the following services at the Airport:

1. **Aircraft Storage.** Provide a clear span hangar of adequate dimensions to accommodate storage of Airplane Design Group II aircraft.
2. **Line Service.** Provide necessary equipment, supplies, and trained personnel for apron assistance as set forth below. Equipment shall be sufficient to facilitate the handling of aircraft up to and including Airplane Design Group II aircraft and cannot be contracted unless otherwise noted. During normal business hours, provide line services as follows:
  - p. Aircraft marshaling, ramp parking, and tie-down assistance, including ramp personnel and vehicles as appropriate,
  - q. Aircraft towing services capable of moving up to the type of aircraft set forth above, or the contracted arrangements therefore,
  - r. Equipment for inflating and repair of aircraft tires or contract with another operator to provide this service,
  - s. Mobile ground power assistance capable of servicing the type of aircraft set forth above.
3. **Fuel and Lubricants.** Provide the sale and into-plane delivery of common and recognized brands of Aircraft Fuel, lubricants, and other aviation petroleum products. Provide, store, and dispense aviation fuels in sufficient quantities to meet the needs of the operations at the Airport. Provide and supply aviation fuel spill kits on the premises for use in the event of a release or discharge of fuel onto paved services of the Airport.
4. **Aircraft Fuel Storage Area and Tanks.** The FBO shall provide and ensure the following:
  - t. Provide appropriate grades of aviation fuel to be stored in a fuel storage area, to include one Avgas Fuel Storage Area tank with a minimum of 10,000 -gallons



capacity and one Jet-A Fuel Storage Area tank with a minimum of 10,000 -gallons capacity.

- u. Ensure that all Aircraft Fuel is delivered clean, bright, pure, and free of microscopic organisms, water, or other contaminants Ensuring the quality of the Aircraft Fuel is the sole responsibility of the FBO.
  - v. The Fuel Storage Area shall have proper signage to identify hazards and no smoking.
  - w. Provide filter-equipped Aircraft Fuel dispensers with separate dispensing pumps and meter systems for each grade of Aircraft Fuel that meet all applicable federal, state and Revenue Authority requirements for each type of fuel dispensed.
  - x. Fuel Storage Area design, construction, and operations shall conform to the Rules and Regulations as well as all applicable federal, state, and local laws and regulations including but not limited to the National Fire Protection Association, Air Transport Association (ATA) Specification 103 – Jet Fuel Quality at Airports, Environmental Protection Agency, and state regulations pertaining to Aircraft Fuel spill prevention and containment measures. The FBO shall develop and maintain an Aircraft Fuel Spill Prevention, Countermeasures, and Control Plan, a copy of which shall be provided to the Revenue Authority no later than 30 days prior to commencing operations and anytime the document is updated or modified. The Revenue Authority shall have the authority and right to inspect the Fuel Storage Area. Aircraft Fuel inventories shall be monitored in accordance with all applicable federal, state, and local laws and regulations.
  - y. The location and design of Aircraft Fuel Storage Areas and Tanks shall be approved by the Revenue Authority.
  - z. Ensure fuel storage systems include adequate fuel spill prevention features and containment capabilities, together with an approved fuel Spill Prevention Countermeasures and Control Plan (SPCC) as applicable.
  - aa. Provide a copy of every fuel delivery receipt to the Airport Manager.
  - bb. Ensure bonding wires are installed, continuously inspected, and maintained on all fueling equipment to reduce the hazards of static electricity.
  - cc. Provide an adequate supply of properly located fire extinguishers and other precautions and/or equipment required by applicable fire codes.
5. **Aircraft Fueling Vehicles.** Provide, at a minimum, one Aircraft Fueling Vehicle for jet fuel and one Aircraft Fueling Vehicle for aviation gasoline. All aircraft fueling vehicles dispensing jet fuel shall have over the wing and single point servicing capability, shall be in good working condition, and fully compliant with NFPA Section 407 and ATA Specification 103. The Revenue Authority shall have the authority and right to inspect, decommission, or temporarily suspend Aircraft Fueling Vehicles.

6. **Assistance to Disabled Aircraft.** As authorized by the Airport Manager, provide on its own or by contract with a qualified third party, as approved by the Airport Manager, sufficient equipment and trained personnel to remove disabled aircraft from the Aircraft Movement Area in a safe and timely manner. Have available suitable tractors, tow bars, jacks, dollies, and other equipment as needed to remove Airplane Design Groups I-II and contract services for aircraft designated Group III or greater. The aircraft owner shall be responsible for compensating the FBO for any and all associated costs to address and remove the disabled aircraft.
7. **Minor Maintenance and Equipment.** An FBO may provide minor airframe and power plant maintenance service to aircraft with FAA certified mechanics and basic aircraft equipment and accessories that may be required by aircraft operating at or based on the Airport.

### **7.2.5. Other Aviation Services**

An FBO may also provide either directly, or by contract with a third-party Specialized Aviation Service Operator (SASO), upon prior written approval from Airport Manager, one or more of the following Commercial Aeronautical Activities: (1) Aircraft Airframe and Engine Maintenance and Repair; (2) Aircraft Storage, (3) Aircraft Charter and Commercial Operator services; (4) Aircraft Rental, and (5) Flight Instruction. The service requirements for these services are set forth below in Article 8. An FBO providing additional services, either directly or through an Revenue Authority approved sub-lessee or contractor arrangement, shall comply with the Minimum Standards for the listed SASOs.

## **Article 8: Minimum Standards for Specialized Aviation Service Operators (SASOs)**

Specialized Aviation Service Operators (SASOs) shall offer one or more of the following services and activities and shall comply with the Minimum Standards described in this Article. Operators offering more than two services will be considered an FBO.

### **8.1. Aircraft Airframe and Engine Maintenance Repair**

#### **8.1.1. Scope of Service**

An aircraft and airframe engine maintenance and repair Operator is a person or persons, firm, or corporation providing one or a combination of airframe and power plant overhaul and repair services. This category of Aeronautical Service also includes the sale of aircraft parts and accessories.

#### **8.1.2. Minimum Standards**

1. Operator's premises shall include:
  - dd. A hanger with enough square feet of space to store the aircraft that can be worked on and accommodate a, shop, equipment, and a parts storage space
  - ee. Sufficient automobile parking space in accordance with local building and zoning code requirements of the Revenue Authority
2. Provide sufficient equipment and supplies and have access to the parts necessary to perform the repairs and to recertify each aircraft being repaired.
3. Comply with all FAA regulations as they apply to the type of work being performed, parts utilized, and certifications required as an approved repair station.
4. Have the premises open and services available during appropriate business hours. Provide within a reasonable period of time (not greater than two hours) staffing on a call-back basis to address after-hour requests for service from customers.
5. Employ and have on duty during the appropriate business hours, not less than one person who possesses the appropriate FAA certificate(s) for the work being performed as set forth in this category of services.
6. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

## **8.2. Aircraft Charter and Commercial Operator**

### **8.2.1. Scope of Service**

An Air Charter Operator is a non-transient based Operator who engages in the business of providing air transportation (persons or property) to the general public for hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135.

### **8.2.2. Minimum Standards**

1. Operator shall provide, either owned or under written lease, at least one (1) aircraft based at the Airport. The aircraft shall be of the type, class, size, and number of aircraft intended to be used by the Operator. Aircraft shall meet all FAA and other federal requirements of the air taxi commercial certificate held by the Operator.
2. Premises shall include adequate space for offices, public restrooms, a customer lounge that meets local code requirements, and sufficient automobile parking space in accordance with all applicable ordinances and building codes for Montgomery County.

3. Operator shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as required to meet FAA regulations.
4. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

### **8.3. Aircraft Storage**

#### **8.3.1. Scope of Service**

An Aircraft Storage operation is a business operated by a person, firm or corporation engaged in the construction and rental of conventional and/or T-type hangars and tie-down areas to the general flying public.

#### **8.3.2. Minimum Standards**

1. Construct buildings in accordance with design, zoning, and construction standards required and established by the Revenue Authority and Montgomery County for the facility or activity involved.
2. Conventional multi-aircraft hangars shall be a minimum of 1,600 square feet for FBOs and 1,600 square feet for SASOs; T-type hangars shall have a minimum of 6 units per building.
3. Provide a sufficient number and type of fire extinguishers as required by federal, state, and local laws and regulations and towing equipment capable of maneuvering aircraft to and from the hangar.
4. Provide sufficient customer and employee parking as required by local code and zoning requirements of Montgomery County.

The lease of Revenue Authority-owned Airport property to an entity, or entities for the purpose of constructing and/or occupying a hangar for the non-commercial storage of aircraft is not considered a commercial aeronautical activity and is not subject to these minimum standards. Said premises are not to be used for any business or purpose other than that authorized by the Revenue Authority.

### **8.4. Flight Training**

#### **8.4.1. Scope of Service**

A Flight Training Operator is a person or persons, firm, or corporation engaged in instructing pilots

in dual and solo operation of aircraft and providing such related ground school instruction as is necessary for taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

#### **8.4.2. Minimum Standards**

1. Operator's premises shall include adequate office space that is publicly accessible, two aircraft storage spaces for training aircraft, sufficient parking for employees and customers and access to public restrooms as required by local zoning and building code requirements of Montgomery County.
2. A Flight Training Operator will not occupy more than one office area in the terminal building at a time unless space is vacant for more than six months. If you are permitted to occupy more than one office in the terminal building, you must vacate said space within six months if there is demand for it.
3. Have available for use in flight training, either owned or underwritten lease at least two aircraft properly certificated to handle the proposed scope of operation. At least one of which shall be a 4-place aircraft, and at least one of which shall be equipped and capable of use in instrument flight instruction.
4. Keep the premises open and services available to the public during appropriate business hours, five days each week, weather permitting.
5. Employ on a full-time basis at least two flight instructor(s), based at facility, with at least one flight instructor who has been properly certificated by the FAA to provide the type of training offered.
6. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

### **8.5. Aircraft Rental**

#### **8.5.1. Scope of Services**

An Aircraft Rental Operator is a person or persons, firm, or corporation engaged in the rental of aircraft.

#### **8.5.2. Minimum Standards**

1. Operator's premises shall include adequate office space that is publicly accessible, two aircraft storage spaces for rental aircraft, sufficient parking for employees and

customers and public restrooms as required by local zoning and building code requirements of Montgomery County.

2. Have available for rental, either owned or underwritten lease to Operator, 2 certified and currently airworthy aircraft.
3. Have the premises open and services available during appropriate business hours.
4. Employ and have on duty during business hours, as a minimum, 1 person having a current FAA commercial pilot certificate with appropriate ratings, including certified flight instructor rating. Personnel shall be trained in such numbers as are required to meet the Minimum Standards in an efficient manner to dispatch the rented aircraft.
5. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

## **8.6. Aircraft Sales (New and/or Used)**

### **8.6.1. Scope of Service**

An Aircraft Sales Operator is a person engaged in the sale of new and/or used aircraft through franchises, or licensed dealerships or distributorships (either on a retail or wholesale basis) of an aircraft manufacturer and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by said Operator.

### **8.6.2. Minimum Standards**

1. Operator's premises shall include adequate office space that is publicly accessible, sufficient storage spaces for the aircraft that are for sale, sufficient parking for employees and customers and public restrooms as required by local zoning and building code requirements of Montgomery County. If Operator utilizes a hangar(s) that can store Operator's entire fleet, no paved tie-downs are required.
2. Provide necessary and satisfactory arrangements for the repair and servicing of aircraft, for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through a written agreement with another Operator at the Airport.
3. Provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted.
4. Have available at least one fully assembled and certificated airworthy demonstrator aircraft for each category or class of aircraft sold.
5. Have the premises open and services available during appropriate business hours.

6. Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet these requirements in an efficient manner, but never less than 1 person having a current pilot certificate with appropriate ratings for the operation being conducted.
7. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

## **8.7. Specialized Aircraft Repair Services (Radios, Propellers, Instruments, and Accessories, etc.)**

### **8.7.1. Scope of Service**

A Specialized Aircraft Repair Services Operator is an FAA-certified person or persons, firm, or corporation engaged in the business of repairing aircraft radios, propellers, instruments, and/or accessories for general aviation aircraft. This category includes the sale of new and/or used aircraft radios, propellers, instruments, and accessories.

### **8.7.2. Minimum Standards**

1. Operator's premises shall include:
  - ff. Adequate space meeting local code requirements for repair and shop activities, aircraft, equipment, and parts storage
  - gg. Adequate space for offices, access to public restrooms, and a customer lounge
  - hh. Sufficient automobile parking space in accordance with local building and zoning code requirements of Montgomery County
2. Obtain and maintain, as a minimum, the repair station certificates required by FAA that are applicable to the operation or operations contemplated. The Operator may furnish one or, if desired, any combination of the services listed above.
3. Have the premises open and services available to the public during appropriate business hours.
4. Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category but never less than 1 person who meets the requirements of the appropriate FAA repairman certification.
5. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a

reasonable and timely manner.

## **8.8. Air Ambulance**

### **8.8.1. Scope of Service**

An Air Ambulance Operator is a FAA-certified person or persons, firm, or corporation engaged in the business of providing a fixed and/or rotary wing aircraft as well as trained pilots and medical professionals capable of offering medical care and air transportation to sick or injured persons.

### **8.8.2. Minimum Standards**

1. Operator's premises shall include:
  - ii. A sufficient square feet of space meeting local code requirements for storage of aircraft
  - jj. Adequate space for offices, living quarters, equipment storage, and a waiting area in accordance with local building codes for Montgomery County
  - kk. Sufficient automobile parking space in accordance with local building and zoning code requirements of the Montgomery County
  - ll. Sufficient paved parking area to accommodate an ambulance type ground vehicle
  - mm. A paved aircraft parking ramp, with taxiway access, sufficient for the parking and maneuvering of the aircraft to be utilized by Operator.
2. Provide a physician, registered nurse, or emergency medical technician on an "on-duty" basis, as may be required for individual cases.
3. Provide one pilot with appropriate FAA certificates on duty full time during normal business hours. Back-up pilots shall be on call during other hours.
4. Maintain current licenses and permits required by federal, state, or local governments for the provision of the proposed medical services. Copies of all required certificates, Permits, licenses, and FAA inspections shall be submitted to the Airport Manager.
5. Provide at least one Aircraft, specifically designed and equipped to transport medical patients for emergency flights, as well as normal treatment transportation. Such Aircraft shall be owned by or available pursuant to a written agreement, backup Aircraft for use when Commercial Operator's Aircraft is not in use or out of service for any reason.
6. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.



## **8.9. Air Cargo Operators**

### **8.9.1. Scope of Service**

An air cargo operator is a person or persons, firm, or corporation engaged in the business of providing air cargo transportation for hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135.

### **8.9.2. Minimum Standards**

7. Operator shall make suitable arrangements for use of aircraft parking apron space and other such premises, and access to such aircraft parking apron space and other premises, as is necessary for the safe and secure transfer of cargo to and from their aircraft. Such arrangements may be made with a Fixed Base Operator or through an agreement with the Airport.
8. Have and maintain at any time while conducting operations at the Airport, proper licenses and shall operate in conformance with all appropriate FAA regulations.
9. Hold a proper Commercial Operator certificate and own or have it available under written lease no fewer than 2 single-engine aircraft equipped for and capable of use under instrument condition that meet the requirements 14 CFR Parts 119 and 135.
10. Have available sufficient qualified operating crews or a satisfactory number of personnel and equipment for the safe and secure transfer of cargo.
11. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.

## **8.10. Specialized Commercial Flying Services**

### **8.10.1. Scope of Service**

A Specialized Commercial Flying Services Operator is a person or persons, firm, or corporation, for hire, engaged in providing the use of aircraft, manned or unmanned (i.e. UAS) for any of the activities listed below:

1. Non-stop sightseeing flights that begin and end at the same Airport within a 25-mile radius of the Airport

2. Aerial application including crop-dusting, seeding, spraying, bird chasing, fish spotting, etc.
3. Construction
4. Emergency Management
5. Public Safety
6. Banner towing and aerial advertising
7. Aerial photography or survey
8. Fire Fighting
9. Power Line or pipeline patrol
10. Medical
11. Any other operations specifically excluded from 14 CFR Part 135.

#### **8.10.2. Minimum Standards**

1. Operator's premises shall include adequate space and/or land area to meet the requirements of the operation at the Airport subject to the approval of the Revenue Authority.
2. Provide and have based on its leasehold, either owned or underwritten lease to the Operator, at least one aircraft which shall be airworthy, meeting all the requirements of the FAA and applicable regulations of the state with respect to the type of operations to be performed.
3. Comply with all applicable federal, state, and local laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the Revenue Authority or their representatives for inspection in a reasonable and timely manner.
4. Employ trained personnel in such numbers as may be required to meet these Minimum Standards in an efficient manner. All flight crews shall meet all applicable FAA regulations pertaining to the type of flights conducted.
5. In the case of Crop-dusting or other aerial chemical application services, the Operator shall be required to provide:
  - nn. Proof of proper and current licenses certified by the Federal Aviation Administration, with appropriate ratings to cover the type of aircraft to be operated.
  - oo. Proof of a Montgomery County Business License if required.
  - pp. Written assurance that adequate public liability and property damage insurance is provided in such amounts as required by the state of Maryland to protect the operation and Revenue Authority from legal liabilities resulting from this activity.

- qq. Written assurance that all federal, state, and local statutes, rules, and regulations shall be complied with at all times.
  - rr. Written assurance that the applicant has read and agrees to abide by the Airport's "Spill Prevention Control or Countermeasures Plan".
  - ss. Written assurance that the Operator has made suitable arrangements for containment of chemical materials in accordance with all federal, state, and local statutes, rules, and regulations.
6. In the case of UAS operations, the Operator shall be required to:
- tt. Provide proof that the Operator has, in its employ, trained personnel in accordance with FAR Part 107 and applicable local, state, federal regulations in such numbers as may be required to meet the minimum standards.
  - uu. Comply with all applicable Federal, State and Local laws and regulations. Maintain adequate written records to show compliance with said regulations and make these records available to the Revenue Authority or their representatives in a reasonable and timely manner.
  - vv. For Operations within 5 miles of the Airport, provide an FAA approved Certificate of Waiver for any UAS operations that deviate from 14 CFR Part 107.

### **Article 9: Waivers of Minimum Standards**

The Airport Manager may, in his/her discretion, waive all or any portion of these Minimum Standards set forth herein for the benefit of any government or governmental agency performing not for profit public services to the aircraft industry or performing fire prevention or fire-fighting operations. The Airport Manager also may waive any of these Minimum Standards for non-governmental applicants when such waiver is in the best interest of the Airport and the public. Compliance with FAA Airport Improvement Program (AIP) grant assurances, FAA Airport Revenue Use Policy, and other applicable regulatory or legal requirements are to be considered by the Revenue Authority when reviewing a possible waiver of all or any portion of these Minimum Standards.

### **Article 10: Written Agreement**

Prior to the commencement of construction or operation, the Operator shall enter into a written Lease, Agreement, or Permit with the Revenue Authority, as the case may be, which shall set forth the terms and conditions under which the Operator shall conduct its business at the Airport. The Lease, Agreement, or Permit shall include all provisions required by law and obligations placed upon the Revenue Authority by all State and Federal agencies and any other contracting provisions deemed necessary by the Revenue Authority.

## **Article 11: Required Lease Provisions**

Each lease or other agreement shall contain the following provisions regarding subordination, emergency leasing to the United States, and non-discrimination. The language for these provisions is as follows:

### **11.1. Lease Subordinate to Agreement between Revenue Authority and the United States.**

Any lease is subject and subordinate to the terms, reservations, restrictions, and conditions of any existing or future agreements between the Revenue Authority and the United States, the execution of which has been or may be required as a condition precedent to the transfer of federal funds for the extension, expansion, or development of the Airport. Should the effect of such agreement with the United States government be to take any of the property under lease or substantially destroy the commercial value of such improvements, Revenue Authority shall terminate this Lease.

**11.2. Emergency Lease to United States.** During the times of war or National Emergency, the Revenue Authority shall have the right to lease the landing area of the Airport, or any part of Airport, thereof, to the United States Government for military or national use, and if any lease is executed, the provisions of this instrument insofar as they are inconsistent with the provision of the lease to the Government, shall be suspended. 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 maintaining the facilities used.

**11.3. Non-Discrimination.** The 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 it may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.

The Operator for itself, its personal representatives, 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 premises are to be used 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.

4. That in the event of breach of any of the above non-discrimination covenants, the Revenue Authority 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.

### **Article 12: Operators Doing Business on the Effective Date of These Minimum Standards**

Existing Leases or Agreements, with existing Operators supersede these Minimum Standards, unless the Minimum Standards are included within the terms and conditions of said agreements. Existing Operators are encouraged to comply with these Minimum Standards set forth herein that are not specifically addressed in the Operator's current (valid) Lease, License or Agreement. These Minimum Standards shall apply to all new Operators and existing Operators whose lease, license or other Agreement terminates or expires after the date on which these Minimum Standards are adopted, and is thereafter amended, extended, or renewed to allow for a new term. Notwithstanding, these Minimum Standards shall not automatically apply to current Operators who exercise a term extension of its lease, license, or other Agreement by right under the terms of that Agreement, which term extension was negotiated and formed a part of that Agreement prior to the date on which these Minimum Standards are adopted.