



Centennial Airport's Minimum Standards for Commercial Aeronautical Activities

PART 1 - INTRODUCTION, PURPOSE & DEFINITIONS

Prudent and proper administration requires that standards be adopted to establish the minimum acceptable qualifications of participants, level and quality of service, and other conditions which will be required of those proposing to conduct commercial aeronautical activities at the Airport. The requirement to impose standards on those proposing to conduct commercial aeronautical activities on a public airport relates to the public interest and provides protection from irresponsible, unsafe or inadequate service.

The adoption and enforcement of such standards ensures that the Operator is reasonably fit, willing and able to discharge both its service obligations to its patrons and its economic obligations to the Airport community and thereby protects established commercial enterprises, the aviation user, and the public.

The standards established for any particular commercial aeronautical activity must be relevant to that activity, must be reasonable in scope and must be applied objectively and uniformly. Standards, thus established and applied, promote economic stability by discouraging unqualified applicants and foster the level of services desired by the public.

PURPOSE

These regulations prescribe minimum standards for the conduct of commercial aeronautical activities at Centennial Airport and specify certain clauses which will be included in lease/concession agreements permitting the conduct of such activities.

SEVERABILITY CLAUSE

If one or more clauses, sections or provisions of these Minimum Standards shall be held to be unlawful, invalid or unenforceable by final judgment of any court or competent jurisdiction, the invalidity of such clauses, sections or provisions shall not in any way affect any other clauses, sections or provisions of these Minimum Standards.

DEFINITIONS

As used in these regulations, the following terms shall have the following meanings:

Air Cargo, An Air Cargo operator is an entity that provides the carriage of property and operates under the appropriate FAR and operates aircraft in accordance with the weight limitations established for the Airport in its Rules and Regulations.

Air Charter, An Air Charter operator is an entity that provides on-demand non-scheduled passenger services and operates under the appropriate FAR with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport in its Rules and Regulations.



Aircraft, means any contrivance, now known or hereafter invented, used, or designed for navigation of or flight in the air. Excluded from this definition are ultralights, gliders, and paragliders.

Aircraft Maintenance, means the repair, adjustment or inspection of aircraft. Major repairs include major alterations to the airframe, power plant, propeller and accessories as defined in Part 43 of the Federal Aviation Regulations. Minor Repairs include normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories.

Airport, means the Centennial Airport.

Airport Operating Area (AOA), means the ramp/taxilane system.

Airport Purpose, means any Authority action, undertaking or development that is consistent in maintaining the non-certificated status of the Airport and in preserving the Airport funding category as a "Reliever Airport" serving general aviation users. Under no circumstances shall the Airport Purpose include scheduled passenger services.

Authority, means the Arapahoe County Public Airport Authority formed pursuant to Article 3, Title 41, C.R.S.

Building, means the main portion of each structure, all projections or extensions therefrom and any additions or changes thereto, and shall include garages, outside platforms and docks, carports, canopies, eaves and porches. Paving, ground cover, fences, signs and landscaping shall not be included.

Commercial Aeronautical Activity, means any activity which involves, makes possible, or relates to the operation of aircraft, the purpose of such activity being to secure earnings, income, compensation or profit, whether or not such objective(s) is accomplished. Such activities as further defined under PART 3, Sections (2) through (12) include: Fixed Base Operator; Helicopter Fixed Base Operator, Airframe & Power Plant Repair; Avionics, Instrument & Propeller repair; Air Charter; Air Cargo; Aircraft Rental; Aircraft Sales; Flight Training; Commercial Flying Club; Specialized Commercial Aeronautical Activities. However, Commercial aeronautical activity shall not include any activity that is contrary to the Airport Purpose.

Development Guidelines, means any Authority approved guidelines governing development on the Airport. It includes but is not limited to such guidelines as the Development Policy & Application Procedures for Aeronautical & Non-Aeronautical Land Use at Centennial Airport.

DOT, means Department of Transportation.



DOT Part 380 Public Charter Operations ("380 Operator"), is an entity that furnishes passenger carrying on-demand air transportation to the general public by engaging the services of established Air Charter operators with aircraft that provide no more than 30 passenger seats and are within the weight limitations established for the Airport in its Rules and Regulations.

Entity, means a person, firm, corporation, partnership.

Equipment, means all machinery, together with the necessary supplies, tools and apparatus necessary to the proper conduct of the activity being performed.

Exclusive Rights, means the power, privilege or other right excluding or debarring another from enjoying or exercising a like power, privilege or right. An exclusive right may be conferred either by express agreement, by imposition or unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties by excluding others from enjoying or exercising a similar right or rights would be an exclusive right. *The granting of an exclusive right to conduct a commercial aeronautical activity on an airport developed by or improved with federal funds is expressly forbidden by law.*

FAA, means Federal Aviation Administration.

FAR, means Federal Aviation Regulations.

Fixed Based Operator (FBO), means an entity which maintains facilities at the Airport for the purpose of engaging in the retail sale of aviation fuels, aircraft sales/rental, flight instruction and training, air charter, air cargo, aircraft airframe and engine repair, avionics and aircraft line services. (Also, refer to the definition for Helicopter Fixed Based Operator.)

General Aviation, means that portion of civil aviation that encompasses all facets of aviation except scheduled air carriers.

Hazardous Material, means any hazardous or toxic substance, material or waste which is or becomes regulated by any local government authority, the State of Colorado or the United States Government. The term *Hazardous Material* includes without limitation, any substance that is (1) defined as a *hazardous substance* under appropriate state law provisions; (2) petroleum; (3) asbestos; (4) designated as *hazardous substance* pursuant to Section 311 of the Federal Water Pollution Control Act (33 USC Section 1321); (5) defined as *hazardous waste* pursuant to Section 1004 of the Federal Resource Conservation and Recovery Act (42 USC Section 9601); or (6) defined as a *regulated substance* pursuant to Subchapter IX, Solid Waste Disposal Act (Regulation of Underground Storage Tanks) (42 USC Section 6991).



Helicopter Fixed Based Operator (HFBO), means an entity which maintains facilities at the Airport for the purpose of exclusively providing helicopter fixed base services. These services include, the retail sale of aviation fuels to helicopters, helicopter sales/rental, flight instruction and training, helicopter charter, helicopter cargo, helicopter airframe and engine repair, avionics and helicopter line services.

Improvements, means all buildings, structures and facilities including pavement, fencing, signs and landscaping constructed, installed or placed on, under or above any leased area by or with the concurrence of a leased area by or with the concurrence of a lessee. Plans and specifications for all improvements must be approved by the Authority for conformity with its building and construction standards.

Landing, shall include all flights for revenue and non-revenue purposes including, but not limited to commercial, training, private, ferry and charter flights, except that there shall be excluded flights which return to the airport after take-off due to an emergency.

Landing Fee, means a fee expressed as an amount per available revenue seat (ARS).

Lease, means a contractual agreement between the Authority and an entity granting a concession or otherwise authorizing the conduct of certain activities which is in writing and enforceable by law.

Principals, means for Corporation all directors, officers, and stockholders holding more than 10% of the company stock; means for Partnerships all general and limited partners.

Ramp, means a paved area suitable for aircraft parking.

Repair Facility, means a facility utilized for the repair of aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such facility will be operated in accordance with pertinent FAA regulations.

Service Operator or Operator, means an entity which provides any one of the services listed under PART 3, Sections (2) through (12), inclusive. The following are not included within this definition:

- Employees of Aircraft Owners: The general criteria for employee status will be that the employer withholds income taxes, withholds and pays social security taxes and pays unemployment taxes on wages paid to the employee. Where this criteria is questioned, a Form SS-8 determination will be requested from the Internal Revenue Service.
- Services authorized by an FBO or HFBO within its hangar facilities for aircraft owned or leased by its sublessees. Such authorization will be provided in writing (on a form provided by the Authority) and timely filed with the Authority.



Sublease, means a lease granted by a lessee to another entity of all or part of the property.

Terminal Area, means the terminal proper, aircraft ramps, baggage-handling facilities, vehicular parking, spaces, including rental car areas, roadways, water, sanitary sewer, storm sewer, gas, electrical, cable TV and other areas and facilities the primary function of which is to serve the terminal and aircraft operations.

Tie-down, means the area, paved, or unpaved, suitable for parking and mooring of aircraft wherein suitable tied down points have been located.