

# Fitchburg Municipal Airport Minimum Standards 2021.



## FITCHBURG MUNICIPAL AIRPORT

### Airport - Minimum Standards

11<sup>th</sup> November 2021.

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## SECTION 1. Policy

- 1.1 The City of Fitchburg, Massachusetts, (the City) owns and operates the Fitchburg Municipal Airport (the Airport). The City is committed to open government and strives to consistently meet the community's expectations by providing excellent service in a positive and timely manner and in full view of the public. The City does hereby establish the following policy concerning the Minimum Standards for conducting business on the Fitchburg Municipal Airport. The Minimum Standards are intended to be the threshold entry requirements for all parties and entities wanting to provide commercial aeronautical services to the public. They also ensure that those who have undertaken to provide commercial aeronautical services on the Airport and who meet these standards, are not exposed to unfair or unprofessional competition. These Minimum Standards are established based upon the existing conditions at the Airport - the existing and planned facilities at the Airport – and the current and future aviation role of the Airport. All operators and entities providing aeronautical services on the Airport are strongly encouraged to exceed the Minimum Standards.

The Airport is the site of a number of sensitive environmental resources, including state and federally protected wildlife species and habitats. A Conservation Management Agreement (CMA) was executed between the City and Various state and

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federal agencies which designated both conservation and development zones on the Airport. All development and operations conducted on the Airport shall be in full compliance with the CMA and pertinent environmental regulations, as may be amended from time to time.

The uniform application of these Minimum Standards and Procedures, including the minimum levels of service that must be offered by aeronautical service providers, relate primarily to the public interest in discouraging substandard entrepreneurs, thereby preserving the financial integrity of the businesses located on the Airport as well as protecting Airport patrons.

- 1.1 The purpose herein is:
  - To allow for the establishment and orderly development of a sound economic base upon which the Airport will thrive and experience a stable growth pattern;
  - To insure the public receives a reliable, safe, adequate and non-discriminatory service from Operators conducting commercial activities at or from the Airport;
  - To insure that Operators conducting aeronautical activities at the Airport receive fair, equitable, and non-discriminatory treatment compared to others conducting the same or similar activities at the Airport.
- 1.2 The intent herein, is to categorically identify those minimum Standards and Procedures by which all persons, firms, or other legal entities conducting commercial (revenue producing) or non-commercial aeronautical activities at the airport shall conduct their respective operations.
- 1.3 The requirements, as set forth in the Standards and Procedures, are intended to ultimately protect the public health, safety and other interests; and to foster and promote

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the continued development of the Airport in a safe and efficient manner.

## SECTION 2. IMPLEMENTATION AND APPLICATION

- 2.1 It is intended that the implementation and application of these Standards and Procedures shall be accomplished by the Fitchburg Airport Commission (hereafter the FAC Commission and/or its appointed Airport Manager.)
- 2.2 These Standards and Procedures shall be Published and appended to all current lease/operating agreements and shall be considered a part of all lease/operating agreements which the FAC may enter into relating to the Fitchburg Municipal Airport.
- 2.3 Any person(s), firm or legal entity wishing to obtain the right to operate and/or leasehold on the Airport shall make written application to the FAC in the manner and form prescribed herein. Application for permission to establish, acquire, and/or use Airport land or any facilities thereon shall be accomplished through the FAC. However, in no case shall an applicant submit anything less than the following information:
  - a. Applicant's legal name and address
  - b. Applicant's primary business
  - c. Applicant's express purpose in applying for lease/operating rights on the airport.
  - d. Applicant's express intent for utilization of the land and/or facilities to be occupied, and more importantly,

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the services which are intended to be provided to the tenant's and/or public.

- e. Applicant's estimate of costs they will incur for the development and improvements of such leasehold or fee position applied for.
- f. Applicant's schedule for commencement of lease term, operation and construction of leasehold improvements.
- g. Applicant shall provide qualified references attesting to applicant's financial responsibility and technical ability as related to the proposed type of business.
- h. Applicant shall provide, prior to commencement of operation, the names, addresses, and qualifications of those key (management) personnel who will be involved within the day-to-day operation of the business intended.
- i. Applicants shall provide proof of Insurance Certificate to cover any damage of an aeronautical nature, loss of life, or detrimental happening at the airport with a minimum Liability Insurance Coverage of \$2,000,000.00.

### SECTION 3. GLOSSARY OF TERMS

- 3.1 **FAC** as hereinafter defined, shall mean the Fitchburg Airport Commission, or its successor, operator of the Airport.
- 3.2 **Airport**, as hereinafter defined, shall mean the land, and developments thereon, either in fee simple or as lease-hold either occupied by tenants or fee holders, which are controlled, operated and maintained by either the Commission, its tenants and/or those to whom title in fee has been legally transferred. The Airport shall also include, but not

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necessarily be limited to all runways, taxiways, rights of way, ramps, aircraft and vehicle parking areas, utilities, facilities or other real property necessary or convenient, or desirable, for the landing, takeoff, accommodation and servicing of aircraft of all types.

- 3.3 **Aircraft**, as hereinafter defined, shall mean and include any and all contrivances now or hereafter used for the navigation of, or flight in air or space, including but not necessarily limited to airplanes, airships, dirigibles, helicopters, gliders, PPG's (powered paragliding), amphibians, sea planes and ultralights.
- 3.4 **Applicant**, as hereinafter defined shall mean that person(s), firm, or legal entity desiring to acquire use of a portion of the Airport, or establish or use any facility on the Airport for an aeronautical activity or other purpose; and, who shall apply in writing and in the manner and form prescribed for permission to establish such operations on the Airport.
- 3.5 **Operator**, as hereinafter defined. Shall mean any person (s), firm, or legal entity who have applied for and received written permission to engage in a commercial activity, or from the Airport; and, have entered into and executed the required lease/operating agreement. An operator shall in all cases be a tenant.
- 3.6 **Tenant**, as hereinafter defined, shall mean any person(s) firm, or legal entity who has applied for and received written permission to establish a leasehold or other right at the Airport whether for commercial activity or not.
- 3.7 **Commercial Activity**, as defined herein, shall mean any on-going activity conducted at, on or from the Airport by any

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person(s), firm, or legal entity intended to result in monetary gain to the party conducting such activity,

- 3.8 **Aeronautical Activities**, shall mean any activity which involves operation of aircraft, or which contributes to or is required for the safety of such operations. “Commercial” aeronautical activities shall mean any activity by any person(s), firm, or legal

entity intended to result in a monetary gain. “Non-commercial” aeronautical activities shall mean activity by any person(s), firm, or legal entity which is intended for his/her own benefit without the intent of monetary gain.

- 3.9 **Standard Construction Specifications**, shall include, but not necessarily be limited to:
- a. Federal Aviation Administration “Standards for Specifying Construction of Airports”.
  - b. All other applicable Federal, State, local and FAC building codes or other rules and/or regulations controlling construction on public airports.
- 3.10 A **Fixed Base Operator**, as defined herein, and hereafter referred to as “FBO”, shall be any **operator located in premises owned by the Fitchburg Municipal Airport** and performing any one or more of the following “FBO” categories and functions:
- a. **FBO, Category I, Flight instruction**: this operator **located in premises owned by the Fitchburg Municipal Airport**, shall provide flight training and instruction to pilots, in dual and solo flight training, in fixed or rotary wing aircraft, and provide such related ground school instruction as is necessary preparatory

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to taking a written examination and flight check ride for the category or categories of pilot's licenses and ratings involved.

b. **FBO, Category II, Aircraft Charter and Air Taxi:** this Operator, **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in business of providing air transportation (persons/property) to the general public for hire, either on a charter basis (commercial operations) as

defined in the Federal Aviation act and FAR Part 135 as amended or replaced.

c. **FBO, Category III, Aircraft Sales:** This is an Operator **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in the sale of new or used aircraft through franchises, licensed dealerships or distributorships (either on a retail or wholesale basis) or otherwise; and provide such repairs, services, and parts necessary to meet any guarantee or warranty on new or used aircraft sold by him.

d. **FBO, Category IV, Aircraft Rentals:** This Operator **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in the rental of Aircraft (Fixed or Rotary wing) for the operation by pilots and student pilots, not employed by the Operator.

e. **FBO, Category V, Aircraft Airframe and Power plant Repair and Maintenance:** This Operator **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in the business of providing a shop for the maintenance and repair of airplanes, power plants, propellers and accessories, and shall employ at least one person currently certified by the FAA with ratings appropriate to the work being performed.



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This category shall include the sale of aircraft parts and accessories, but such is not an exclusive right.

f. **FBO, Category VI, Aircraft Painting and/or Repair of Interiors:** This Operator **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in the business of providing a shop for painting of aircraft and/or for the repair, rehabilitation, or renovation of aircraft interiors.

g. **FBO, Category VII, FAA Authorized Repair Station for Avionic Sales and Service:** This operator **located in premises owned by the Fitchburg Municipal Airport** shall be engaged in the business of and providing a shop for the repair of aircraft radios, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used radios, instruments and accessories, but such in not an exclusive right.

h. **FBO, Category VIII, Aircraft Parking and Storage:** No Operator shall be engaged in the temporary and/or permanent parking or storage of aircraft at the airport for a fee.

i. **FBO, Category IX, Multiple Services:** This Operator shall be engaged in any two (2) or more of the FBO Categories hereinbefore defined.

j. Any and all FBO's at the Fitchburg Municipal Airport

3.11 **Leasehold Improvements**, shall include, but not necessarily be limited to any modification, alterations or repairs, either of a structural or architectural nature, performed by the tenant at tenant's sole cost and expense. Any such improvements shall be accomplished only after the Commission has approved the

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Tenant's written application requesting same. In all instances unless provided otherwise in the lease/operating agreement, upon the termination or natural expiration of a lease/operating agreement, title to such improvements shall revert to and vest with the Commission, at the option of the Commission.

- 3.12 **Specialized Commercial Flying Services:** This Operator shall be engaged in air transportation for hire for the purpose of providing the use of aircraft for the following activities:
- a. Nonstop sightseeing flights that begin and end at the same airport
  - b. Crop dusting, seeding, spraying, and bird chasing
  - c. Banner towing and aerial advertising
  - d. Aerial photography or survey
  - e. Firefighting
  - f. Power line or pipeline patrol
  - g. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations

### **SECTION 4. STATE OF POLICY**

- 4.1 It is the policy of the FAC and the City Council to grant lease operating rights on the Airport with the approval of City Council, to those qualified applicants who have duly made

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application for said lease rights in the manner and form prescribed.

- 4.2 Upon the consideration of the applicant the FAC shall determine whether or not the applicant meets the standards and qualifications as herein set out and whether or not such application should be granted in whole or in part, and if so, upon what terms and conditions.
- 4.3 It is the FAC's responsibility to have prepared, and make available, an Airport Layout Plan which will be a scaled, dimensional layout of the entire Airport property indicating in general, current and proposed usage for each identifiable segment.
- 4.4 All present Tenants and Operators conducting operations on the Airport prior to the effective date of these Standards and Procedures, may be allowed to continue without fully complying with the portions of the Standards and Procedures relating to the number of categories and to the physical requirements of land and buildings so long as the FAC determines that the continuation of any such operation is in the public interest and does not conflict with any FAA requirements, or if the FAC determines that it would be an extreme hardship, financial or otherwise for such an operator to fully comply with said portions of the Standards and Procedures. When an existing lease of any present tenant, who in accordance with this subsection is not made to fully comply with these minimum Standards and Procedures expires, such Tenant shall at the time of expiration of such lease be required to comply as nearly as possible with all the provisions of the Minimum Standards and Procedures.

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- 4.5 All applicants shall meet the Minimum Standards, as recited herein and which pertain to their respective category.
- 4.6 It is the intent of the FAC to examine each Applicant. Each Applicant shall be responsible to satisfactorily provide evidence to FAC, their respective technical ability and financial responsibility, including capability to meet the insurance requirements as stated herein.
- 4.7 The FAC may review the “Minimum Standards and Procedures for the Municipal Airport” from time to time and may make such revisions or amendments as shall be deemed necessary

under the use circumstances surrounding the Airport to properly protect the health, safety, and interests of the public.

Upon enactment of any such amendments, all operators and tenants shall be required to conform to such amended standards.

- 4.8 In addition to the requirements of the FAA, the Commission may establish and implement such rules and regulations as may be required for the (1) safe and orderly operation of the Airport (2) the safe and orderly operation of the aircraft in the airport traffic area and airspace surrounding the airport, and (3) the safe and orderly operation of aircraft on the ground.
- 4.9 No person(s), firm, or legal entity shall act as an Operator/Tenant or conduct any commercial activity of any kind or nature whatsoever on the airport, until such time as the person(s), firm or legal entity has (1) applied for and received permission to so act, and (2) has entered into and executed a lease/operating agreement with the FAC. Each successful Applicant shall, within thirty (30) business days after having received written approval of his application be ready,

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willing and able to enter into a written lease/operating agreement with the FAC, in a form and manner prescribed by the FAC. In the case of an air charter operation which is not based at the airport but which operates to and from the airport, the payment of all applicable landing, parking or other levied fees by the non-based air charter operations shall be deemed sufficient to meet the requirements of this paragraph.

- 4.10 It is the intention of the commission to enter into and execute a lease/operating agreement with the approved Applicant as soon as possible after such applicant is approved.
- 4.11 No applications approved, or lease and/or operating agreement executed under these Standards and Procedures shall be transferrable without first obtaining a prior written consent of the FAC. Sale of a majority of the voting stock of a corporation shall be deemed to be a transfer which consent cannot be reasonably withheld.
- 4.12 All lease/operating agreements shall contain, inter alia, a covenant reciting the Operator's obligation to pay (1) an amount for the basic monthly rental space, and (2) an amount equal to a certain percentage of his/or annual recognized gross income or revenue. Such stipulation and covenant will be recited in the applicable lease/operating agreement. Any sub-lease approved by the FAC between lessee Operator and sub-lessee shall provide that the entire RGR (except for exclusions similar to those of the lessee) of the sub-lessee shall be included in the RGR of the lessee for the purpose of computing the percentage for the Commission.
- 4.13 With regard to land having access to the Airport Runway/taxiway system, it is the intent of the FAC to restrict the amount of leased land to any Operator/Tenant to the

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minimum area reasonably required for the specific aviation purpose which the Operator/Tenant agrees to conduct on the leased premises within two (2) years of the effective date of the Lease.

The commission will include a provision in the lease providing for the termination of the Operator/Tenant's rights on the leased premises, or any portion thereof, on which the Operator/Tenant has not made improvements or otherwise utilized for an approved aviation purpose within one (1) year.

### **SECTION 5. STANDARDS AND PROCEDURES FOR FBO-CATEGORY 1-FLIGHT INSTRUCTION**

- 5.1 The Operator shall lease from FAC an area of not less than 12,000 square feet of ground space on which shall be erected a building to provide at least 4,200 square feet of floor space for aircraft storage and at least 750 square feet of floor space for offices, classroom, briefing room, pilot lounge and rest rooms, which will be properly heated and lighted, and shall provide telephone facilities for customer use.

The Operator shall provide adequate auto parking space within the leased area to accommodate all of the Operator's employees and customers.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

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- 5.2 The Operator shall have available for use a minimum of two (2) aircraft properly certified and operable, at least one of which must be owned by the operator. Any non-owned aircraft used for flight instruction, must be registered with the FAC as a lease back. At least one (1) aircraft must be equipped for and capable of use in instrument flight instruction.
- 5.3 The Operator shall provide adequate mock-ups, pictures, slides, film strips and a state of the art Flight Simulator to provide proper ground school instruction.
- 5.4 The Operator shall attempt to have the premises open and services available eight (8) hours daily (minimum), seven (7) days a week, to the best of their ability to do so.
- 5.5 The Operator shall have, on a full-time basis at least one flight instructor who is properly and currently certified by the Federal Aviation Administration to provide the types of training offered.
- The Operator shall have available for call, on a part-time basis, at least one flight instructor who is properly and currently certified by the Federal Aviation Administration to provide the type of training offered.
- The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

### **SECTION 6. STANDARDS AND PROCEDURES FOR FBO CATEGORY II AIRCRAFT CHARTER AND AIR TAXI**

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6.1 The Operator shall lease from FAC an area of not less than 12,000 square feet of ground space on which shall be erected a building to provide at least 4,200 square feet of floor space for aircraft storage and at least 750 square feet of floor space for offices, classroom, briefing room, pilot lounge and rest rooms, which will be properly heated and lighted, and shall provide telephone facilities for customer use.

The Operator shall provide adequate auto parking space within the leased area to accommodate all of the Operator's employees and customers.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 6.2 The Operator shall provide either owned or under written lease to Operator, not less than one (1) four-place aircraft which must meet the requirements of the air taxi commercial certificates held by the Operator, including instrument operations.
- 6.3 The Operator shall have the premises open and services available a minimum eight (8) hours daily, six (5) days per week.
- 6.4 The Operator shall have in employment and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standard set in forth in



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this category in an efficient manner but never less than at least one (1) pilot appropriately rated by the Federal Aviation Administration, to permit the flight activity offered by the Operator.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

### **SECTION 7. STANDARDS AND PROCEDURES FOR FBO CATEGORY III AIRCRAFT SALES**

- 7.1 The Operator shall lease from FAC an area of not less than 12,000 square feet of ground space and on which shall be erected a building to provide at least 4,200 square feet of floor space for aircraft storage and at least 500 square feet of floor space for offices, classroom, briefing room, pilot lounge and rest rooms, which will be properly heated and lighted, and shall provide telephone and internet facilities for customer use.

The Operator shall provide adequate auto parking space within the leased area to accommodate all of the Operator's employees and customers.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

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The Operator shall provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 7.2 For sales activity of a new aircraft, a distributorship franchise from a recognized aircraft manufacturer of new aircraft, must be available.
- 7.3 The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Airport. The Operator shall provide adequate inventory of spare parts for the type of aircraft for which sales privileges are granted.
- 7.4 The Operator shall provide current, up-to-date specifications and price lists for types and models of aircraft sold.
- 7.5 The Operator shall have the premises open and services available a minimum eight (8) hours daily, six (6) days per week. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.
- 7.6 The Operator shall have in his/her employment and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set in forth in this category in an efficient manner but never less than at least one (1) person having current, private pilot certificate and minimum hour requirement as specified by FAA for type and category of aircraft to be demonstrated for sale.

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- 7.7 Check to see all FBO's provide proper certificates of insurance with \$2Million dollar limit
- 7.8 FBO's shall upon opening install and maintain fire alarm system.

### **SECTION 8 STANDARDS FOR FBO CATEGORY IV AIRCRAFT RENTALS**

- 8.1 The Operator shall lease from FAC an area of not less than 12,000 square feet of ground space and on which shall be erected a building to provide at least 4,200 square feet of floor space for aircraft storage and at least 500 square feet of floor space for offices, classroom, briefing room, pilot lounge and rest rooms, which will be properly heated and lighted, and shall provide telephone and internet facilities for customer use.
- 8.2 The Operator shall have available a minimum of two (2) aircraft of which one (1) will be owned by the operator, written leases for any lease-backs, properly certificated and currently airworthy aircraft, at least one of which must be equipped for and capable of use in instrument flight conditions, and at least one of which is no less than four places.
- 8.3 The Operator shall have on hand, at all times, proper checklists and operating manuals for each and every aircraft available for rental, as well as a flight log of all aircraft rental to be made available to FAC and airport manager.
- 8.4 The Operator shall have the premises open and services available a minimum of eight (8) hours daily, six (6) days a week.

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- 8.5 The Operator shall have in employment, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, but never less than one (1) person having a current, FAA private certificate with a single-engine rating and instructor rating.

The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.

- 8.6 Check to see if all FBO's provide proper certificates of insurance with 2 Million dollar limit.

FBO's shall upon opening install and maintain a fire alarm system.

### **SECTION 9. STANDARDS AND PROCEDURES FOR FBO CATEGORY V AIRCRAFT AIRFRAME AND POWERPLANT REPAIR AND MAINTENANCE**

- 9.1 The Operator shall lease from FAC an area of not less than 20,000 square feet of ground space on which shall be erected a building to provide at least 6,500 square feet of floor space for aircraft storage and for air frame and power plant repair services, including sufficient hangar space to provide housing for any aircraft being serviced, all meeting Federal, local and State Industrial code requirements and at least 500 square feet of floor space for office, customer lounge and rest rooms, which will be properly heated and lighted, and shall provide telephone and internet facilities for customer use.

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The Operator shall provide adequate auto parking space within the leased area to accommodate all of the Operator's employees and customers.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 9.2 The Operator shall provide adequate shop space to house all equipment, as required for the FAA certification on all single engine land and light multiengine land general aviation aircraft.
- 9.3 The Operator shall have the premises open and services available a minimum of eight (8) hours daily, five (5) days a week, with someone on call for weekend emergencies.
- 9.4 The Operator shall have in employment, and on duty during the appropriate business hours. Trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in the efficient manner, but never less than one (1) person currently certificated by the FAA with ratings appropriate to work being performed and who holds an airframe, power plant or an aircraft inspector rating, and one (1) other person not necessarily rated.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

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### **SECTION 10. STANDARDS AND PRICEDURES FOR FBO CATEGORY VI AIRCRAFT PAINTING AND/OR REPAIR OF INTERIORS**

- 10.1 The Operator shall lease for the FAC an area of not less than 12,000 square feet of ground space on which shall be erected a building to provide at least 4,200 square feet of floor space to hangar at least two (2) aircraft; to house all equipment, supplies, and materials; and to provide office, customer lounge, and restrooms, all properly heated and lighted; and shall provide telephone and internet facilities for customer use.

The Operator shall provide adequate auto parking space within the leased area to accommodate all of the operator's employees and customers.

The Operator shall provide a paved walkway within the leased area to accommodate aircraft waiting repairs or maintenance or delivery after repairs have been completed and a paved taxiway to provide for aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 10.2 The Operator shall have the premises open and services available a minimum of 40 hours per week.
- 10.3 The operator shall have in his/her employ, and on duty during the specified business hours, appropriate trained personnel in such numbers as are required to meet the minimum standards set forth for this category in an efficient manner

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### **SECTION 11. STANDARDS AND PROCEDURES FOR FBO CATEGORY VII FAA AUTHORIZED REPAIR STATION FOR AVIONICS SALES AND SERVICE**

- 11.1 The Operator shall lease from FAC an area for floor space, aircraft parking, and auto parking to be accepted by the FAC.
- 11.2 The Operator shall have the premises open and services available a minimum of 40 hours a week four of which open hours each week on the weekend.
- 11.3 The Operator shall have in his/her employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one (1) person who is a FAA rated repair technician.

### **SECTION 12 STANDARDS AND PROCEDURES FOR FBO CATEGORY VIII MULTIPLE SERVICES**

- 12.1 The Operator shall lease from the FAC ground space at least equal in area to the highest and minimum square footage requirements set forth for the several services to be provide. A building shall be erected on the leased area and such building shall meet the largest of the minimum floor area requirements for the several services to be provided. The FAC reserves the right to require the leased area/building floor space to be greater than the aforementioned minimums if, in the Commission's opinion, such increased requirements are necessary or desirable to properly accommodate the multiple services to be provided. In no case will the FAC require the leased land area to be greater than the sum of the requirements for same as specified for the several services to be provided and in no case will the FAC require the floor space area to

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be greater than 50% of the sum of the requirements for the same specified for the several services to be provided.

If Flight instruction is one of the multiple services offered, the Operator shall provide classroom and briefing room facilities in the aforementioned building.

If Crop dusting aerial application, or other commercial use of chemicals are part of multiple services offered the Operator shall provide a centrally drained, paved area of not less the 2,500 square feet for aircraft loading washing and servicing. Operator shall also provide for the safe storage and containment of noxious and/or hazardous chemical matters. Such facilities will be in a location on the Airport which will provide the greatest safeguard to the public and shall meet the approval of all government bodies including the FAC and Airport Manager.

- 12.2 The Operator shall comply with the aircraft requirements including the requirements thereon for each aeronautical service to be provided.

Multiple uses may be made of all aircraft except aircraft used for crop dusting aerial application, or commercial use of chemicals.

The operator shall adhere to the hours of operation required to meet the minimum standards of herein before provided for each aeronautical service the Operator is performing.

- 12.3 The Operator shall adhere to the hours of operation required for each aeronautical service being performed.
- 12.4 The Operator shall have in his/her employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical



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service the operator is performing as herein before provided. Multiple responsibilities may be assigned to meet personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to the FAA certificated radio repair station or the aircraft repair shop.

### **SECTION 13 STANDARDARDS AND PROCEDURES FOR THE CONDUCT OF SPECIALIZED COMMERCIAL FLYING SERVICES**

- 13.1 The Operator shall lease from the FAC an area of not less than 12,000 square feet of ground space on which shall be erected a building to provide at least 3,000 square feet of floor space for office, and customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone and internet facilities for customer use.

In the case of crop dusting aerial application, or other commercial use of chemicals, Operator shall provide a centrally drained paved area of not less than 2,500 square feet for the aircraft loading washing and servicing. The operator shall also provide for the safe storage and containment of noxious chemical materials, such facilities will be in a location on the Airport which will provide the greatest safeguard to the public.

The Operator shall provide adequate auto parking space within the leased area to accommodate all the Operator's employees and customers.

The Operator shall provide a paved walkway with the leased area to accommodate a pedestrian access to the operator's office.

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The Operator shall provide a paved taxiway to accommodate aircraft movement from the Operator's facilities to the existing Airport taxiway system.

- 13.2 The operator shall provide and have based on the leasehold, either owned or under written lease to Operator not less than one (1) aircraft which will be airworthy, meeting all the requirements of the FAA and applicable regulations of the State of Massachusetts.

In case of crop dusting or aerial application, Operator shall provide tank trucks for the handling of liquid spray and mixing liquids. Operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.

- 13.3 The Operator must provide, by means of an office, telephone or internet services, a point of contact for the public desiring to utilize Operators services.

The Operator shall have in their employ, and on duty during appropriate business hours, trained personnel in such numbers as

may be required to meet minimum standards herein set forth in an efficient manner, but never less than one (1) person holding a current FAA commercial certificate, properly rated for the aircraft to be used and type of operation to be performed and one (1) other person to assist in the loading and servicing of the aircraft.

### **SECTION 14 FLYING CLUBS**

The following requirements apply to all flying clubs desiring to base their aircraft on the Airport:

- 14.1 Flying Club Organizations

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Each club must be a non-profit Massachusetts corporation or partnership or demonstrably affiliated with same.

### 14.2 Aircraft

The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi.

### 14.3 Violations

In the event that the club fails to comply with these conditions, the Commission will notify the club in writing of such violations. If the club fails to correct the violation within fifteen (15) days, the Commission may take any action deemed appropriate to rectify the situation.

## **SECTION 15 BASIC LEASE/OPERATING AGREEMENT TERMS AND CONDITIONS**

15.1 Operator/Tenant covenants to conduct their business on the premises, for the use and benefit of the public.

15.2 Operator/Tenant shall furnish good, prompt, and efficient services adequate to meet all the demands for its service at the Airport.

15.3 Operator/Tenant shall furnish said service on a fair, equal and non-discriminatory basis to all users of the Airport.

15.4 Operator/Tenant shall charge fair, reasonable and non-discriminatory prices for each unit of sale or service, provided that the lessee may be allowed to make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

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- 15.5 FAC reserves the right to take any action it considers necessary to protect the aerial approaches in accordance with FAA specifications and regulations of the Airport against obstruction, together with the right to prevent Tenant from erecting, or permitting to be erecting any building or other structure on the Airport which in the opinion of the FAA – MassDOT and the FAC, would limit the usefulness of the Airport or constitute a hazard to aircraft.
- 15.6 Any lease/operating flights agreement shall be subordinate to the provisions of any existing or future agreement between the FAC, the FAA and MassDOT Aeronautics, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of funds for the development of the Airport.
- 15.7 The FAC reserves the right, but shall not be obligated to Tenant to maintain and keep in repair the landing area of the Airport and all publically owned facilities on the Airport, together with the right to direct and control all activities of the Tenant in this regard.
- 15.8 The tenant, his/her agents and employees will not discriminate against any person or class of persons by reason of race, color, creed or national origin in providing services or in the use of any of its facilities provided for the public in any manner prohibited by part 15 of the Federal Aviation Regulations. The tenant further agrees to comply with such enforcement procedures as the FAA and MassDOT Aeronautics might demand that the FAC take in order to comply with the Sponsor’s Assurances.
- 15.9 It is clearly understood by the tenant that no right or privilege has been granted to the tenant, which would prevent any person, firm or corporation operating aircraft on the Airport from performing any services on its own regular employees (including, but not limited to

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maintenance and repair) that it may choose to perform outside of leasehold of the Tenant.

- 15.10 Landscaping of facilities is required. Each Tenant will be required to provide a plan for landscaping his area, to be approved by all REGULATING AUTHORITIES, and maintained by the tenant in a neat, clean and aesthetically pleasing manner.
- 15.11 Each Tenant shall provide for the adequate and sanitary handling and disposal of all trash, waste and other materials, including but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, used tires and other containers will not be permitted within the leased area.
- 15.12 All leasehold improvements by the operator or Tenant shall be made, with written permission of the FAC, in strict conformance with the standard construction specifications promulgated by ALL REGULATING AUTHORITIES. Prior to the construction or display of any exterior signing, written approval must be obtained from the FAC. All signs shall comply with the City sign code.
- 15.13 Each airport tenant shall protect the general public, the customer or clients and the FAC from any and all lawful damages, claims or liability and they shall provide the types of insurance required in the

applicable category(s) and written in such amounts designated in the schedule below titles "Minimum Insurance Requirements" as amended from time to time by the Authority but in no event less than the amounts required by MassDOT Aeronautics. The FAC, and City of Fitchburg shall be an additional named insured in any such policy, and a certificate of insurance evidencing same shall be delivered to the FAC prior to or at the time any lease of Airport property. The certificates of insurance shall also provide that the FAC will be notified by the insurance company, within thirty (30) days in

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advance if cancellation of such insurance. Such insurance policies shall remain in full force and effect during the term of the lease/contract between the Tenant and the Authority, and any renewal policies shall be filed with the Authority not less than thirty (30) days before the expiration date of such policies.

- 15.14 All Operators and Tenants shall conform with and abide by all rules and regulations of the FAA, MassDOT Aeronautics, and the FAC. In this regard, Tenants/Operators shall require that aircraft which they own and operate, or make available for hire, be operated by personnel who hold appropriate and current FAA Pilot and Medical certificates.
- 15.15 No construction of any kind shall be done at the Airport without the prior written approval of the FAA, or its successor governmental agency, MassDOT Aeronautics and FAC and no such approval shall be granted unless construction and design is consistent with the latest approved Airport Master Plan (AMP) or Airport Layout Plan (ALP) for the development of said airport. Construction shall be completed within one year of the date of such written approval and shall be subject to applicable City Ordinances and Building Codes.
- 15.16 Ramp space, other than ramp space specifically leased to Operator/Tenants shall be for use by the general aviation public only.

No Operator/Tenant shall be permitted to use any portion of the public ramp space for use exclusively or to use any of such ramp space as parking or tie down area.

- 15-17 Rental rates to be paid by any Operator to the FAC for the lease of land, building space and/or other improvements owned by the FAC, under a duly executed agreement between the Operator and the FAC shall be increased or decreased on the first anniversary of the agreement, and subsequent anniversary. Rental rates for the

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Tenants shall be adjusted from Time to time as the Commission sees fit.

- 15-18 All non-airworthy aircraft not in an enclosed structure shall be removed from the Airport on thirty (30) days written notice from the FAC to Operator/tenant at Operator’s tenant’s unless a waiver is requested and granted by the Airport Manager for Insurance purposes.
- 15-19 In the event of any conflict between the terms of these “Minimum Standards and Procedures at Fitchburg Municipal Airport”, and provisions of any lease of a portion of the airport property, the terms of the lease shall be controlling, providing they are not less stringent than these standards
- 15.20 Nothing in these “Minimum Standards and Procedures for the Fitchburg Municipal Airport” shall be construed as the conferring of a positive privilege and/or exclusive rights to do business on the Airport irrespective of any existing agreement between FAC and Operator/Tenant. Any subsequent grant of Federal funds, administered by the FAA, requires the FAC to agree not to permit the establishment of an exclusive right to engage in any aeronautical activities in the future and terminate any existing agreement which permits such and exclusive right as soon as possible.

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