

## TITLE 13. AVIATION

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### Chapter 13.01. City Airport.

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#### 13.01.010. Name - Location - Control.

The airport facility located on the east shores of Utah Lake and south of Center Street and owned by Provo City Corporation is hereby designated as the "Provo Municipal Airport."

#### 13.01.020. Authority to Make Rules - Unlawful to Violate.

(1) The Airport Manager, with the concurrence of the Provo City Airport Board, is hereby authorized and directed to promulgate rules and regulations not in conflict with law, the Provo City Code or other City ordinance with reference to the use of the Provo Municipal Airport and the control and management thereof.

(2) It shall be unlawful for any person to violate any of the rules and regulations promulgated by the Airport Manager with reference to the Provo Municipal Airport.

#### 13.01.030. Definitions.

As used in this Title, the following terms shall have the meanings indicated:

**"Accident"** means a collision between an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury or death; or an entry into or emergence from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

**"Aerobatic flying"** means any intentional maneuver not necessary for navigation.

**"Aeronautical activity"** means any activity, whether or not conducted on the airport, which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such operations, and shall include, but not be limited to, all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental and sight seeing, aerial photography, crop dusting, flying clubs, aerial advertising and surveying, air carrier operations, aircraft sales, aircraft service, aviation petroleum product sales, repair and maintenance of aircraft, sale of aircraft parts, sales aircraft accessories, sales and maintenance, radio sales and repair, navigation equipment sales and repair, and any other activity which, because of its direct relationship with the operation of aircraft, can properly be regarded as an aeronautical activity.

**"Aircraft"** means a device that is used or intended to be used for flight in the air.

**"Airplane"** means an engine-driven fixed wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against the wings, or any helicopter.

**"Airport"** means all of the City owned or leased real or personal property comprising Provo Municipal Airport, located adjacent to the east shore of Utah Lake, as now exists or as may hereafter be expanded and developed which shall include all of its facilities.

**"Airport Board"** means the duly appointed airport advisory body of the City of Provo.

**"Airport Manager"** means the duly appointed manager of the Provo Municipal Airport.

**"Air traffic"** means aircraft in operation anywhere in the airspace and on that area of the airport normally used for the movement of aircraft.

**"Aircraft operation"** means an aircraft arrival at or departure from the airport.

**"Aircraft parking and storage area"** means the open areas of the airport set aside for aircraft parking and storage space for the parking and storage of aircraft, or areas for the servicing of aircraft with fuel, lubricants or other supplies, or for making minor or emergency repairs to aircraft, or for any and all such purposes.

**"Aviation Shop Operator"** means any person engaging in one (1) or more of the aeronautical activities as set forth in Chapter 13.04 of this Title.

**"City"** means Provo City Corporation.

**"Commercial aeronautical activity"** means any aeronautical activity, as defined herein, which is conducted for profit and personal or collective gain.

**"Council"** means the Municipal Council of Provo City Corporation.

**"Fixed-base operator"** means any person meeting the minimum standards for a commercial aeronautical activity established by this Title and engaging in at least the following commercial aeronautical activities: Public aviation fuel sales; aircraft engine, airframe and accessory sales and service; flight training; aircraft charter and taxi service; and two (2) other commercial aeronautical activities.

**"Flying club, commercial"** means a person which sells aircraft operating time for profit.

**"Flying club, exempt"** means an association or group of more than three (3) persons, organized as a nonprofit corporation under the laws of the State of Utah, or, as a duly authorized nonprofit unincorporated association, jointly owning or leasing aircraft where payment is made to the club for the operating time of such aircraft.

**"Fuel handling"** means the transportation, delivery, fueling and drainage of fuel or fuel waste products.

**"Fuel storage area"** means any portion of the airport designated temporarily or permanently by the Airport Manager as an area in which gasoline or any other type of fuel may be stored or loaded.

**"Master plan"** means the currently approved, scaled dimensional layout of the entire airport properties, indicating current and proposed usage for each identifiable segment as approved by the Municipal Council and amended from time to time.

**"Motor vehicle"** means a vehicle which is self propelled.

**"Noncommercial aeronautical activity"** means any aeronautical activity, as defined herein, which is conducted by a person or organization incorporated under the laws of the State of Utah as a nonprofit corporation, as a duly organized nonprofit functioning incorporated association; and which is not conducted for personal or collective profit.

**"Off-airport user"** means a person owning or controlling one (1) or more aircraft stored, hangared, tied down, maintained or otherwise kept on property adjacent to the airport, and who requires access to the airport for use of said aircraft.

**"Operational area"** means any place on the airport not leased or dismissed to anyone for exclusive occupancy.

**"Owner"** means a person who holds legal title of an aircraft or vehicle, or in the event that the aircraft or vehicle is the subject of a conditional sale or lease thereof, the person entitled to possession.

**"Permission or permit"** means permission granted by the Airport Manager, board and/or Municipal Council pursuant to this Title to engage in a specific aeronautical or other activity on the airport.

**"Person"** means a natural person or persons, partnership, company, trust, corporation, or other legal entity.

**"Standards"** means the qualifications established herein, as amended from time to time by the Municipal Council, setting forth the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the Provo Municipal Airport.

**"Traffic pattern"** means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from the airport.

**"Vehicle parking area"** means any portion of the airport designated and made available, temporarily or permanently, by the Airport Manager for the parking of vehicles. (Am 2004-07)

#### **13.01.040. Master Plan - Adoption and Implementation.**

(1) The Provo City Airport Master Plan prepared by Airport Development Group, Inc. and dated December 2000, as amended, shall constitute the master plan for the Provo municipal airport.

(2) Publicly funded capital improvements at the Provo municipal airport shall be subject to the following:

(a) The Airport Master Plan should be implemented on a methodical and deliberative, and not a speculative, basis.

(b) To the extent possible, the airport should be self-sustaining. Publicly funded capital improvements envisioned by the master plan which exceed thirty thousand dollars (\$30,000) should be undertaken only when airport revenues are sufficient to support the capital improvement cost. For the purpose of this subsection, revenues may include state and federal matching funds.

(3) Within thirty (30) days following submittal of the capital improvements projects report required by Section 3.03.040 of this Code, the Mayor shall report to the Municipal Council at a regularly scheduled Council meeting the activities, whether public or private, undertaken to implement the airport master plan. (Enacted 2001-13, Am 2001-19, Am 2007-37)

### **Chapter 13.02. General Provisions.**

- 13.02.010. Aeronautic Regulations - Compliance Required.
- 13.02.020. Civil Aircraft - U.S. License Required - Exceptions.
- 13.02.030. Aircraft - U.S. License Required.
- 13.02.040. Fuel Flowage Fee.
- 13.02.050. Rates and Fees.
- 13.02.060. Height of Flight.
- 13.02.070. Acrobatics.
- 13.02.080. Pilots - Commercial Flights.
- 13.02.090. Exceptions.
- 13.02.100. Landing Field.
- 13.02.110. Tampering with Aircraft Without Permission of Owner.
- 13.02.120. Tampering with Airport or Equipment.
- 13.02.130. Accidents to be Reported.
- 13.02.140. Removal of Aircraft.
- 13.02.150. Refusal of Clearance.
- 13.02.160. Airport Navigational Rules and Regulations.
- 13.02.170. Use of Airport Revenue.

#### **13.02.010. Aeronautic Regulations - Compliance Required.**

It shall be unlawful for any aviator, or other person, to fail to comply with any of the rules and regulations adopted and promulgated by the Federal Aviation Administration, the Utah State Aeronautics Commission, and the Airport Manager. All said rules and regulations so adopted and promulgated are hereby adopted by reference and

made a part hereof as fully as if the same and each of them were completely set forth herein.

#### **13.02.020. Civil Aircraft - U.S. License Required - Exceptions.**

It shall be unlawful for any person to pilot within the City any civil aircraft unless such person is the holder of a currently effective pilot certificate of competency issued by the government of the United States, but this restriction shall not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

#### **13.02.030. Aircraft - U.S. License Required.**

It shall be unlawful for any airman, or other person, to fly or otherwise navigate over, land upon, or fly any aircraft from the Provo Municipal Airport except aircraft which have been registered and licensed by the Federal Aviation Administration.

#### **13.02.040. Fuel Flowage Fee.**

(1) There is hereby imposed by the City of Provo an aviation fuel flowage fee to be imposed for all aviation fuels delivered into an aircraft at the Provo Municipal Airport, or delivered by any fixed base operator located at the airport, whether delivered at the airport or elsewhere. Charges for the fuel flowage fee shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

(2) Copies of all delivery tickets and purchase invoices will be provided to the Airport Manager by the delivering agent or the purchaser monthly within thirty (30) days following the actual delivery at which time the flowage fee will be due and payable to the City. Any purchaser or delivery agent shall furnish within five (5) days, upon request, copies of all other records necessary to conduct an audit to determine compliance with this requirement. The funds derived therefrom shall be utilized solely for upkeep and improvement of the Airport and for costs involved in the regulation and administration of all aeronautical activities located in Provo City. Said fee shall be accounted for in the budgets of the City and specifically allocated for the above defined activities.

(3) The flowage fee shall be applicable for any fuels delivered into an aircraft at the airport either by a distributor or by the owner or operator of any airplane which is housed, serviced or landed at the airport.

(4) Any violation of this Section shall be a misdemeanor. Each day the offense occurs shall constitute a separate offense. (Am 1986-40, Am 1994-72, Am 2006-15)

#### **13.02.050. Rates and Fees.**

All rates and fees including, but not limited to, tie down fees, fuel flowage fees, hanger rentals, and ground lease fees shall be as shown on the Consolidated Fee Schedule adopted by the Municipal Council. (Am 1994-72, Am 2006-15)

#### **13.02.060. Height of Flight.**

It shall be unlawful for any airman, or other person, to fly or otherwise navigate any aircraft over the City at a lower altitude than one thousand (1,000) feet above ground level, except in landing or taking off from the duly established and authorized airport located within the City, on the established landing pattern.

#### **13.02.070. Acrobatics.**

It shall be unlawful for any person to acrobatically fly an aircraft over any business, industrial or residential area of the City, or over any open-air assembly of persons within the corporate limits of Provo City except with the prior approval of the Airport Manager.

**13.02.080. Pilots - Commercial Flights.**

(1) It shall be unlawful for any person to carry any passenger for hire or reward in any aircraft unless such person has been properly licensed as a transport pilot or is a commercial pilot, and it shall be unlawful for any person to use any aircraft in commercial flights which has not been licensed and inspected in accordance with air commerce regulations of the Federal Aviation Administration.

(2) It shall be unlawful for any person who has not been licensed by the Federal Aviation Administration as a transport pilot or as a commercial pilot or as a private pilot not designated as student, to fly or carry any passenger except that student fliers may fly or carry instructor pilots.

**13.02.090. Exceptions.**

All officers and members of the United States Army, the United States Air Force, the United States Navy and officers and members of the National Guard, while engaged in the service of the United States and all aircraft owned and operated under the authority of the United States Army, United States Air Force, United State Navy, and National Guard, shall be subject to the provisions of this Chapter except as to licensing of aircraft and airmen.

**13.02.100. Landing Field.**

It shall be unlawful for any person to set up or maintain within the limits of Provo City any landing field for airplanes without written permission first obtained from the Airport Manager. (Am 1998-013)

**13.02.110. Tampering with Aircraft Without Permission of Owner.**

No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner or by specific direction of the Airport Manager.

**13.02.120. Tampering with Airport or Equipment.**

No person shall interfere or tamper with any airport located within or under the jurisdiction of Provo City, or any landing fields, airway, heliports or the equipment thereof.

**13.02.130. Accidents to be Reported.**

Persons involved in aircraft accidents occurring on the airport shall make a full report thereof, including names and addresses, time, place and cause, and any inquiries occasioned thereby to the Airport Manager immediately after the accident. When a written report of an accident is required by Federal Aviation Regulations, a copy of such report may be submitted to the Airport Manager in lieu of the report required above. (Am 1998-013)

**13.02.140. Removal of Aircraft.**

Aircraft owners, their pilot or agent, shall be responsible for the prompt removal of disabled aircraft, and parts thereof, unless required, or as directed, by the Airport Manager or the Federal Aviation Administration, to delay such action pending an investigation of an accident. In the event of failure to promptly remove such disabled aircraft, the Airport Manager will cause the aircraft to be removed and bill the owners thereof for all charges incurred in the removal of same.

**13.02.150. Refusal of Clearance.**

The Airport Manager may delay or restrict any flight or other operations at the airport and may refuse takeoff clearance to any aircraft for any reason the Manager believes justifiable to protect life, limb or property. The Airport Manager may also prohibit the use, in all or in part, of the airport, for any purpose, by an individual or group

as may be needed to protect public health, safety or welfare. (Am 2006-49)

**13.02.160. Airport Navigational Rules and Regulations.**

(1) Federal Aviation Regulations, together with State and City regulations, are the guiding rules for all flying at the Provo Municipal Airport.

(2) The Airport Manager will be the final authority in the interpretation of City rules.

(3) Provo City and the Airport Manager assume no responsibility for damages or theft done to aircraft or other vehicles operated or parked at the Provo Airport.

(4) The field is open to the flying public, day and night, weather permitting.

(5) Tie downs are available and mandatory for both permanent and transient aircraft.

(6) Cars must be kept off the ramp, taxiways and runways except for official vehicles on duty. Nonofficial vehicles may be driven to an aircraft for passenger/baggage loading and unloading. Drivers will proceed carefully through access gates and observe a speed limit of twenty (20) miles per hour while inside the fenced area. Upon completion of the passenger/baggage transfer, the vehicle will be driven to a designated parking area.

(7) There shall be no maintenance for profit conducted on the ramp or in aircraft hangars. This is not meant to prohibit aircraft owners from performing routine caretaking functions such as oil changes, minor adjustments, washing, waxing and the like. However, repairs to aircraft requiring the expertise of a licensed airframe and/or power plant mechanic shall only be performed by those commercial operators licensed to so operate on the airport in their facilities.

(8) Navigational and flight operations aids.

(a) A UNICOM is operational during daylight hours daily except Sunday on a frequency of one hundred twenty-two and eight-tenths (122.8) MHZ. The active runway, wind direction and velocity, together with other necessary information may be obtained. Communication between pilots and the UNICOM operator is encouraged to ensure all aircraft operating in the vicinity of the airport are aware of each other's presence and of the current airport information.

(b) A terminal VOR navigational aid is located on the airfield and operates twenty-four (24) hours per day on a frequency of one hundred eight and four-tenths (108.4) MHZ.

(c) A landing direction indicator identifies the runway most closely aligned with the wind. The wind sock, located in close proximity to the LDI indicates the approximate wind velocity. Should the LDI seem to be inoperative, check the wind sock and request further information through the UNICOM.

(d) Runways 13/31 and 18/36 are lighted as are their appropriate taxiways. During the hours of darkness, the lights on runway 13/31 are on continuously. Other runway and taxiway lighting is activated by keying the microphone rapidly five (5) times on the UNICOM frequency (one hundred twenty-two and eight-tenths (122.8) MHZ). The lights will remain illuminated for approximately fifteen (15) minutes. Should they go off, immediately key the mike again to reestablish the circuit. Check the LDI to determine the runway most aligned with the wind direction.

(e) Visual Approach Slope Indicators are installed on runways 13/31 and 18/36. These can be activated at any time by keying the microphone rapidly five (5) times on the UNICOM frequency. The VASIs will remain on for approximately fifteen (15) minutes.

(f) An Automated Weather Observation Station (AWOS-3) is operational twenty-four (24) hours per day and can be accessed

on VHF frequency one hundred thirty-five and seventeen hundredths (135.17) or by telephone (801) 373-9732.

(9) Both left and right traffic patterns occur at the Provo Airport. Pilots should monitor the UNICOM frequency, broadcast location and intentions, and report on the downwind leg.

(10) Visual traffic pattern procedures, as recommended by the Federal Aviation Administration Advisory Circular 90-66, are as outlined below:

(a) Enter pattern in level flight on downwind leg, abeam the mid point of the runway, at pattern altitude (one thousand (1,000) feet AGL).

(b) Maintain pattern altitude until abeam approach end of the landing runway. Base leg should be perpendicular to the landing runway.

(c) Complete turn to final at least one-quarter (1/4) mile from runway.

(d) For low approach continue straight ahead until beyond departure end of runway.

(e) If remaining in the traffic pattern, commence turn to crosswind leg beyond the departure end of the runway, within three hundred (300) feet of the pattern altitude.

(f) If departing the traffic pattern, continue straight out, or exit with an appropriate forty-five (45) degree turn beyond the departure end of the runway, after reaching pattern altitude.

(11) Instrument approach procedures, as recommended by the Federal Aviation Administration, are as outlined below:

(a) When weather is below basic VFR minimums Salt Lake Air Traffic Control shall retain communication on their frequency since it is their responsibility to control separation under such conditions.

(b) When weather is at or above basic VFR minimums, pilots of aircraft flying practice instrument approaches in VFR conditions (VOR or ILS) at the Provo Municipal Airport will adhere to the following procedures:

(i) Obtain clearance for the approach from Salt Lake City Approach Control (one hundred eighteen and eighty-five-hundredths (118.85 MHZ). Approach Control will normally release aircraft to Provo Unicom (one hundred twenty-two and eight-tenths (122.8) MHZ) at about ten (10) NM from runway.

(ii) Monitor Provo UNICOM throughout the approach to ascertain the positions and intentions of visual traffic in the pattern.

(iii) Pilots of instrument approach aircraft will announce their arrival at each of the following points:

(A) As soon as released by approach control at about ten (10) NM from end of runway.

(B) At the final approach fix in-bound (LALEE intersections on the ILS approach; or OREMS intersection on the VOR-A and VOR DME approach).

(C) Visually, approximately two (2) NM from end of runway. At this point, they will state their intentions, i.e., full stop landing, touch and go, or low approach.

(iv) When instrument approach aircraft reach position #3 above, [(11)(b)(iii)(3)] all traffic in the visual traffic pattern will adjust so as to give way to the instrument approach aircraft.

(v) The instrument approach aircraft may continue to landing, touch and go, or low approach as desired.

(vi) Instrument approach aircraft will be expected to fly the published missed approach procedure or enter the normal visual traffic pattern following a low approach.

Touch and go traffic must either depart the airfield normally or enter the normal visual traffic pattern.

(12) The Provo Municipal Airport is an uncontrolled facility. Therefore, at all times, pilots must adhere to the "see and be seen" concept.

(13) Student training is in progress daily. Taxi slowly and obtain active runway information through the UNICOM or visual observation of the LDI or aircraft in the traffic pattern. Prior to taxiing onto the active runway for takeoff, look for landing traffic. Landing traffic has the right-of-way.

(14) Takeoffs beginning at runway intersections are prohibited.

(15) When enplaning or deplaning, pilots will shut down all engines to ensure the safety of people around the aircraft.

(16) Pilots are encouraged to check the weather and file a flight plan for cross country flights. Be sure to close the flight plan upon landing. For convenience, all FBOs have direct lines to the flight service. When the FBOs are not operating, the night service telephone number will be found in the outside telephone booth.

(17) Runway "13" is hereby designated as the "Calm wind" runway at the Provo Municipal Airport. During the calm wind conditions, all normal traffic will use Runway "13."

(18) Violations to the above rules should be reported to the Airport Manager. (Am 1994-72, Am 2002-52)

#### **13.02.170. Use of Airport Revenue.**

(1) Provo City shall comply with the provisions of Title 49, Section 47101, et seq., United States Code, regarding federal funds received for use at the Provo Municipal Airport.

(2) Revenue from local aviation fuel taxes (except taxes in effect on December 30, 1987) and revenues generated by the Provo Municipal Airport shall be expended for the capital or operating costs of:

(a) the airport,

(b) the local airport system, or

(c) other local facilities owned or operated by Provo City which are directly and substantially related to the air transportation of passengers or property. (Enacted 2005-30)

### **Chapter 13.03. Minimum Standards and Requirements for the Conduct of Aeronautical Business - General Provisions.**

13.03.010. General Requirements.

13.03.020. Statement of Policy.

13.03.030. Commercial/General Aviation Operator.

13.03.040. Contents of Business Application.

13.03.050. Minimum Standards and Limitations.

#### **13.03.010. General Requirements.**

(1) Provo City is responsible for the administration of Provo Municipal Airport. In order to foster, encourage, and ensure the continued positive economic growth and orderly development of aviation and related aeronautical activities at the airport by insuring adequate aeronautical services and facilities to the users of the airport, the City has established standards and requirements for commercial and general aviation operators at the airport as set forth in this Title.

(2) The following Sections set forth minimum standards for any person who engages in one (1) or more commercial aeronautical activities at the airport. These minimum standards are not intended to be all inclusive as the operator of a commercial venture based on the airport will be subject additionally to applicable federal, state and local laws and regulations.

(3) A written agreement, properly executed by the City and an operator, is a prerequisite to tenancy on the airport. A written

agreement and tenancy are prerequisites to the commencement of any commercial aeronautical activity at the airport.

(a) Provisions of an agreement shall be consistent with the minimum standards set forth in this Title and may not change or modify such standards.

(b) Such minimum standards may be included as part of a lease between the City and any person desiring to be based on the airport and engage in any commercial aeronautical activity.

(c) Information regarding rentals, fees and charges applicable to the aeronautical services shall be made available to any prospective commercial operator by the Airport Manager at the time of application or during agreement negotiations.

(4) The minimum standards and requirements set forth in this Title are not retroactive and do not bear on or affect any written agreement properly executed prior to February 17, 2004.

(5) A current copy of the minimum standards set forth in this Title shall be provided to any operator upon request.

(6) The minimum standards set forth in this Title may be revised as conditions may require and shall be reviewed yearly by the Airport Manager and the City for recommended changes. These minimum standards may be supplemented and amended by the City, from time to time, and in such manner and to such extent as is deemed proper.

(a) Provided, however, that prior to any amendment or supplement to these minimum standards all operators at the airport shall be given written notice of the proposed amendments and/or supplements and a hearing shall be held, not less than ten (10) nor more than thirty (30) days after the date of said written notice, at which time any operator may appear, in person or by counsel, and state any objection to such proposed amendments and/or supplements.

(b) Provided further, that no such amendments or supplements shall affect any contractual relationship presently existing between the City and an operator.

(c) Provided finally, that any lease or agreement entered into with an applicant after amended or supplemented minimum standards are adopted by the City shall be terminated or canceled in the event of failure to comply with any modification or amendment to these minimum standards after notice thereof shall have been given. (Rep&ReEn 2004-07)

**13.03.020. Statement of Policy.**

(1) A fair and reasonable opportunity, without discrimination, shall be accorded to all applicants to qualify and compete in a public bid process for available airport facilities and the furnishing of selected aeronautical services subject to the minimum standards established by this Title for commercial aeronautical services and activities at the airport.

(2) Contingent upon its qualifications, its meeting the established minimum standards, the execution of a written agreement with the City, and the payment of the prescribed rentals, fees and charges, an operator shall have the right and privilege of engaging in and conducting the activity or activities selected by it in the airport as specified by the written agreement.

(a) The granting of such right and privilege shall not be construed as affording the operator an exclusive right of use of the premises and facilities and the Airport, other than those premises which may be leased exclusively to it, and then only to the extent provided in a written agreement.

(b) The City reserves and retains the right for the use of the Airport by others who may desire to use the same, pursuant to applicable federal, state and local laws and regulations applicable to such use.

(c) The City further reserves the right to designate the specific Airport areas in which the individual, or a combination of, aeronautical services may be conducted. Such designation

shall give consideration to the nature and extent of the operation and the lands and improvements available for such purpose, consistent with the orderly and safe operation of the airport. (Rep&ReEn 2004-07)

**13.03.030. Commercial/General Aviation Operator.**

(1) The following requirements are generally applicable to all commercial and general aviation operators doing business at the Provo Municipal Airport. Additional requirements for specific types of operations are set forth in other chapters of this Title.

(2) A commercial/general aviation operator may be classified as either a Fixed Base Operator ("FBO") or an Aviation Shop Operator ("ASO").

(a) A Fixed Base Operator shall engage in at least six (6) commercial aeronautical activities as set forth in Chapter 13.05 of this Title.

(b) An Aviation Shop Operator may provide one (1) or more of the activities or services as set forth in Chapter 13.04 of this Title.

(3) The City recognizes the need for hangar, shop and office facilities for special services operations. The City recognizes also that some operators may not want to offer a full line of services that a fixed base operator offers. Aviation shop operators are encouraged to be tenants of fixed base operators. If suitable permanent facilities cannot be obtained in this manner, an aviation shop operator may construct a facility in an area designated on the airport upon land leased from the City. The terms of the lease shall be determined and plans and specifications shall be approved by the City.

(4) All commercial businesses shall be subject to Provo Municipal Airport Rules and Regulations, one of which states; "There shall be no maintenance for profit conducted on the ramp or in aircraft hangars." This is not meant to prohibit aircraft owners from performing routine care taking functions such as oil changes, minor adjustments, washing, waxing and the like. However, repairs to aircraft requiring the expertise of a licensed airframe and/or power plant mechanic shall only be performed by those commercial operators licensed to so operate on the airport in their facilities. (Am 1994-72, Rep&ReEn 2004-07)

**13.03.040. Contents of Business Application.**

(1) A prospective operator shall submit an official application to the Airport Manager which includes the following information and, thereafter, such additional information as may be reasonably requested by the City. The City shall provide reasonable safeguards to insure that its promotional efforts and licensing of various businesses or activities at the Provo Municipal Airport are in compliance with the Airport Master Plan and other applicable planning documents, and do not damage the Airport's overall revenue production capacity, compromise safety or operational efficiency, or otherwise degrade the airport's ability to provide viable business and development opportunities and necessary customer services to airport users and the general public.

(2) As a prerequisite to the granting of an operation privilege on the Airport, a prospective operator shall submit a detailed description of its justification for establishing a new business, the scope of the intended operation, and the means and methods to be employed to accomplish the contemplated operation standards and requirements in order to provide high quality service to the aviation and general public in the airport air service area, including but not limited to, the following:

(a) Purpose and need justification. A prospective operator shall provide a comprehensive statement, satisfactory to the City, identifying the purpose of the new business being applied for, and demonstrating adequate justification and need for such

new business on the airport. Elements of said justification shall include the following:

(i) description of the proposed operation or business, including the names and addresses of principals involved that establishes it as a fixed base operator or aviation service operator normal to the operations of, and compatible with, the daily operations of the Provo Municipal Airport;

(ii) the name, address and telephone number of the applicant;

(iii) the requested or proposed date for commencement of the activity and the term of conducting the same;

(iv) the services to be offered;

(v) the amount, size and location of land to be leased;

(vi) the size and position of the building space to be constructed or leased;

(vii) the number of aircraft to be provided (as applicable);

(viii) the number of persons to be employed (including the name and qualification of each person within the organization);

(ix) the proposed hours of operation;

(x) the number and types of insurance coverage to be maintained;

(xi) demographic information applicable to the Provo Municipal Airport, showing areas of unmet demand or service levels not currently being provided by established airport operators, including a market analysis showing current levels of airport business and projected future levels that will allow the establishment of new operators without compromising overall business revenues currently being received by the City from the operation of airport;

(xii) demonstration of need for a new operation, including a statement of how the proposed new operation will address unmet demands or service levels to the benefit of the airport, airport users and the public;

(xiii) a comprehensive business plan, utilizing the above demographic information, that:

(A) shows financial viability and long term projections of the proposed operation;

(B) articulates the benefits of the business to the City and its compatibility with other businesses and operators at the Provo Municipal Airport; and

(C) establishes that the proposed new operation is capable of success based on development of excess or currently unmet market demand for goods and services, and future potential, as opposed to simply attempting to capture portions of the current market being serviced by existing operators;

(xiv) justification for the proposed location of the new operation, including a showing that normal operations and associated ground and aircraft traffic will not conflict with or compromise the safety and efficiency of airport operations, or businesses adjacent to airport;

(xv) show that the location and development of the new operation will comply with the airport master plan and any other City planning documents addressing current and future land uses on the proposed business location at the Provo Municipal Airport; and

(xvi) a statement indicating why the proposed operation and its associated development represents the "highest and best" utilization of the specific property identified for the proposed development, and its specific benefits to the City and airport, other businesses and operators located on the airport, airport users and the general public.

(b) Financial and managerial responsibility and capability. The prospective operator shall provide a statement, satisfactory to the City, that establishes the operator's financial responsibility from a Utah bank or trust company or from such other source acceptable to the City and readily verified through normal banking channels. The prospective operator shall also demonstrate financial capability to initiate operations and construct improvements and appurtenances that may be required for proposed operation, or operations. The statement shall also indicate the operator's ability to provide working capital to carry on the contemplated operations once initiated. The demonstration of financial and managerial capability shall include a cash flow and profit and loss projection for the first five (5) years of the proposed operation.

(c) Experience. The prospective operator shall furnish a statement of past experience in the specified aviation services to be provided on the airport, together with a statement that the operator has the managerial ability to perform the selected services. (Rep&ReEn 2004-07)

### **13.03.050. Minimum Standards and Limitations.**

(1) Prior to the commencement of operations, a prospective operator shall enter into a written agreement with the City, specifying the terms and conditions under which the operator will operate its business on the airport, including but not limited to, the term of agreement; rentals, fees and charges, the rights, privileges and obligations of the respective parties; and other relevant covenants. Such provisions shall neither change nor modify the minimum standards and requirements of this Title, nor be inconsistent therewith.

(2) Prior to approval of any operation, the prospective operator shall comply with airport development standards. The purpose of these standards is to provide a documented basis for directing and evaluating the planning, engineering, and architectural design of ramp, building, hangar, or other facilities to be constructed by the prospective operator.

(3) The operator shall have in its employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards and requirements of this Title, in an efficient manner, for each aeronautical service being performed.

(a) The operator shall provide a responsible person in the office to supervise the operations in the leased area on the airport and with authorization to represent and act for and on behalf of, the operator during all business hours.

(b) All personnel required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings as required.

(4) The operator shall procure, maintain, and pay premiums, during the term of its agreement, for insurance of the types and in the minimum limits set forth in this Title and the written agreement between the City and the operator for the respective categories of aeronautical services. The insurance company, or companies, writing the required policy, or policies, shall be licensed to do business in the State of Utah and be rated at least "A" by the Best Rating Guide.

(a) Where more than one (1) aeronautical service is proposed, minimum insurance limits may vary depending upon the nature of individual services in such combination and may not necessarily be cumulative.

(i) For example, if three (3) activities are chosen, it is not necessary for the operator to carry insurance policies providing the aggregate or combined total of the minimum limits for each type of operation. However, if one (1) of the selected activities requires passenger liability coverage or hangar keeper's liability not required in either of the other two (2) categories, the operator shall be required to provide insurance on the applicable exposures.

(ii) As a further example, the minimum limit for property damage on a combination of activities shall be the highest minimum limit stated in the grouping chosen.

(iii) Because of these variables, the applicable minimum insurance coverage on combinations of services shall be discussed with the prospective operator at the time of application or otherwise during lease negotiations.

(b) All insurance which the operator is required by the City to carry and keep in force shall include the following as additional insureds: the City of Provo, Provo Municipal Airport, the Airport Manager, and all other airport personnel. This requirement shall apply to subtenants of any airport operator as well as to a primary airport tenant.

(i) Each operator shall furnish evidence of its compliance with this requirement to the Airport Manager with proper certification that such insurance is in force, and shall furnish additional certification as evidence of changes in insurance not less than ten (10) days prior to any such change, if the change results in a reduction in insurance. In the event of cancellation of coverage, thirty (30) days prior notice of cancellation shall be conveyed to the Airport Manager by the underwriter, and ten (10) days for nonpayment of premium.

(ii) Operators insurance shall be primary to any insurance of the City of Provo, and Provo Municipal Airport, and its insurance shall be excess and non-contributing.

(iii) Current proof of insurance shall be continually provided throughout the lease term.

(c) Applicable insurance coverage shall be in force during the period of any construction of the operator's facilities and/or prior to its entry upon the airport for the conduct of its business.

(d) The operator shall also furnish evidence of compliance with the Utah Code with respect to worker's compensation and unemployment insurance where applicable.

(e) Any operator, which by nature of its size has become self insured, shall furnish evidence of excess insurance and shall hold the City and its assigns harmless in the event of any claims or litigation arising out of its operation on the airport.

(5) The following general requirements and conditions shall apply.

(a) The minimum space requirements as hereinafter provided shall be satisfied with land and building(s). An operator shall provide detailed plans of any proposed facility acceptable to the City prior to the commencement of any construction or subsequent business operations.

(b) A summary of all current lease rates, fees and terms shall be made available by the Airport Manager.

(c) Each operator shall maintain the pavement constructed by the operator. The maintenance of the interior of the building, utility costs, and trash removal shall be the operator's responsibility. Utility line maintenance outside the operator's delineated property boundary shall be the City's responsibility. Grass mowing and landscape maintenance within the operator's leased area shall be the operator's responsibility.

(d) The operator shall be solely responsible for its activities and shall conduct work in such manner as to protect the City and other persons from accident and injury, and in such a manner as to avoid damage to property, adjacent properties, or any improvements, or personal property located thereon. The operator shall practice safety at all times and shall comply with all state and federal occupational, health, environmental, and safety regulations, rules and laws.

(e) The City makes no representations or warranties with respect to the condition of property or for the accuracy or completeness of any information provided by the City with respect

thereto. Any harm or injury to an operator, operator's employees, agents, subcontractors, or any other persons performing any portion of the work under an agreement with the operator that is, or may be attributable to the condition of the property, including with limitation, the condition of improvements thereon shall be the sole responsibility of, and at the sole risk of the operator.

(6) The operator shall control the transportation of pilots and passengers of transient aircraft using the operator's facilities and services and in the conduct of the operator's office to the operator's aircraft apron tie-down area(s).

(a) The operator or any other person utilizing this service with motor vehicles driven on the Airport Operating Area ("AOA"), taxiways, ramp area shall do only in strict accordance with the Airport rules and regulations, applicable federal, state, and municipal laws.

(b) The operator shall procure and maintain for any motor vehicles operated on the Airport, proper motor vehicle liability insurance in the amount specified in this Title and the written agreement.

(7) The following lease clauses shall be contained in all leases between the City and an operator engaged in any aeronautical activity on the airport.

(a) The operator agrees to operate the premises leased for the use and benefit of the public:

(i) to furnish good, prompt and efficient service, adequate to meet all demands for its service at the Airport;

(ii) to furnish said service on a fair, equal and non discriminatory basis to all users thereof; and

(iii) to charge fair, reasonable and nondiscriminatory prices for each unit of sale or service, provided that the operator may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

(b) The operator, its agents and employees shall not discriminate against any person or class of persons by reason of race, color, creed, sex, age or national origin in providing any services or in the use of its facilities provided for the public in any manner prohibited by federal law or regulation. The operator further agrees to comply with such enforcement procedures as the United States might demand that the City take in order to comply with assurances made by Provo City Corporation.

(c) No right or privilege granted herein shall serve to prevent persons operating aircraft on the airport from performing any services on their own aircraft with their own regular employees (including, but not limited to, maintenance and repair), provided that safety procedures and regulations in airport rules and regulations and hangar lease agreements are abided by.

(d) Nothing herein contained shall be construed to grant otherwise or authorize the granting of an exclusive right, except as to the areas to be occupied by the operator, which areas shall be for the operator's exclusive use.

(e) The City reserves the right to further develop or improve the landing area of the airport as it sees fit, and without unreasonable interference or hindrance. If the physical development of the airport requires the relocation of operator-owned facilities, the City agrees to provide a comparable location without any unreasonable interruption to the operator's activities, and agrees to relocate all operator-owned buildings or provide similar facilities for the operator at no cost to the operator.

(f) The City has the right, but not the obligation, to maintain and keep in repair the landing area of the airport and all publicly owned facilities of the airport together with the right to direct and control all activities of the operator in this regard.

(g) The City reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent the operator from erecting, or permitting to be erected, any building or other structure on the airport which, in the opinion of the City, could constitute a hazard to aircraft.

(h) This lease shall be subordinate to the provisions of any existing or future agreement between City and the United States 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 federal funds for the development of the airport. This subordination includes, but is not limited to, the right of the City, during times of war or national emergency, to lease the landing area, or any part thereof, to the United States for military or naval use. If any such lease is made, the provisions of any contracts or leases with such operators shall be suspended.

(i) The operator shall at all times comply with airport rules and regulations, federal, state and local laws, and other regulatory measures now in existence, or as may be hereafter modified or amended, applicable to the specific type of operation contemplated by the operator. The operator shall procure and maintain during the term of the agreement all licenses, permits and other similar authorizations required for the conduct of its business operations. Failure to comply with any such law, regulation, or a lease provisions shall give the City the right, at its sole option, to terminate the operator's lease and/or operating agreement.

(j) To the maximum extent permitted by law, the operator shall hold the Provo Municipal Airport, the Airport Manager and all other airport personnel, its officers and agents harmless from and against all suits, claims, demands, actions and/or causes of action of any kind or nature in any way arising out of, or resulting from operator's tenancy and activities. Operator shall indemnify the City, the Provo Municipal Airport, and the Airport Manager from any and all costs of suit.

(k) All terms and conditions with respect to this lease are expressly contained herein, and the operator agrees that no representative or agent of the Provo Municipal Airport has made any representation or promise with respect to this lease not expressly contained herein.

(l) Upon the expiration or other termination of any agreement, the operator's rights to the premises, facilities, other rights, licensed service and privileges granted in the agreement shall cease, and the operator shall, upon such expiration or termination, immediately and peacefully surrender such to the City.

(m) All covenants, stipulations and provisions in the agreement to be entered into shall extend to and bind legal representatives, successors and assigns.

(n) As set forth in Department of Transportation Federal Aviation Administration Advisory Circular 150/5190-2A, Exclusive Rights at Airports, Provo City, which owns and operates the Provo Municipal Airport, may engage in any proprietary aeronautical activity and deny the same right to others without violating FAA policy. The City may provide aeronautical services on an exclusive basis but only if it uses its own employees and resources.

(o) The City reserves the right to audit the agreements of operators on Provo Municipal Airport to verify compliance with minimum standards, laws, ordinances, and other lease agreement provisions, on at least an annual agreed upon anniversary date, or for cause.

(8) In the event operator desires to sublease to another company to provide one (1) or more commercial aeronautical services and activities, the following conditions shall apply:

(a) obtain prior written approval from the City to sublease; and

(b) pay the City any additional fees which are negotiated if the rate for the sublease is greater than the lease. (Rep&ReEn 2004-07, Am 2005-42)

## Chapter 13.04. Aviation Shop Operators.

13.04.010. General Requirements.

13.04.020. Aircraft Charter and Air Taxi Service.

13.04.030. Aircraft Rental.

13.04.040. Aircraft Sales.

13.04.050. Airframe and Power Plant Repair and Maintenance.

13.04.060. Avionics, Instrument and Propeller Repair.

13.04.070. Commercial Airline Service.

13.04.080. Flight Instruction.

13.04.090. Flying Club - Commercial.

13.04.100. Flying Club - Exempt.

13.04.110. Specialized Commercial Aeronautical Activities.

### 13.04.010. General Requirements.

(1) Each aviation shop operator shall meet the following requirements:

(a) conform to airport security standards;

(b) provide certificates of insurance indicating the coverage and amount of insurance specified in Chapter 13.08 of this Title; and

(c) lease from the City an area of land on which shall be erected a building (or sublease from an FBO or ASO with the approval of the City) facilities sufficient to accommodate the operator's business, and related aircraft and public parking requirements.

(i) The layout and configuration of such facilities may be negotiated with the City.

(ii) The operator shall obtain final approval by the City prior to offering any service.

(2) An aviation shop operator shall also meet applicable requirements set forth in the following sections of this Chapter. (Enacted 2004-07)

### 13.04.020. Aircraft Charter and Air Taxi Service.

(1) An aircraft charter (commercial operator) and an air taxi operator is a person engaged in the business of providing air transportation of persons or property to the public for hire, either on a charter basis or as an air taxi operator, as defined by the Federal Aviation Administration.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

(a) have available for charter and air taxi an appropriate number of aircraft, either owned or under written lease to the operator, which meet the requirements of the air taxi commercial certificate established by the Federal Aviation Administration, including instrument operations;

(b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week); and

(c) provide evidence of appropriate Federal Aviation Administration certificate for air taxi and/or air charter operations. (Enacted 2004-07)

### 13.04.030. Aircraft Rental.

(1) An aircraft rental operator is a person engaged in the rental of aircraft to the public.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) have available for rental, either owned or under written lease to the operator, a sufficient number of aircraft properly certificated to handle the proposed scope of operation, but not less than one (1) certified and currently airworthy aircraft; and
- (b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week). (Enacted 2004-07)

#### **13.04.040. Aircraft Sales.**

(1) An aircraft sales operator is a person engaged in the sale of new and or used aircraft through a franchise, licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise, and who provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by the operator.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) provide, or have available on call, sufficient aircraft of each model offered for sale for the purpose of demonstration;
- (b) employ, or have available on call, a sufficient number of pilots with commercial, instrument and instructor ratings who shall be current in all models to be demonstrated; and
- (c) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week). (Enacted 2004-07)

#### **13.04.050. Airframe and Power Plant Repair and Maintenance.**

(1) An airframe and power plant repair facility operator is a person that holds applicable certificates and ratings from the Federal Aviation Administration, and provides airframe and power plant repair services. This category of service shall also include the sale of aircraft parts and accessories.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) provide sufficient trained personnel to effectively conduct business and meet the requirements of the Federal Administration with ratings appropriate to the work being performed;
- (b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week) or as mutually agreed upon by operator the and City; and
- (c) if offering aircraft painting services, provide a separate enclosed painting area of sufficient size to accommodate the largest anticipated aircraft to be painted. Such facility shall meet applicable fire codes. (Enacted 2004-07)

#### **13.04.060. Avionics, Instrument and Propeller Repair.**

(1) An avionics, instrument or propeller repair facility operator is a person engaged in the business of, and providing a facility for, repair of aircraft radios and electrical systems, instruments, propellers and other accessories of the type repaired.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) have sufficient trained personnel to effectively conduct business and meet the requirements of the Federal Aviation Administration with ratings appropriate to the work being performed; and

(b) have operating hours appropriate to the effective conduct of business as mutually agreed upon between an operator and the City. (Enacted 2004-07)

#### **13.04.070. Commercial Airline Service.**

(1) A commercial airline service operator is a person engaged in the business of providing air transportation of persons or property to the public for hire, on a regular scheduled basis, as defined by the Federal Aviation Administration.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) have sufficient aircraft, either owned or under written lease to the operator, to provide regularly scheduled service which meets the requirements of the commercial certificate established by the Federal Aviation Administration, including instrument operations;
- (b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week) or as mutually agreed upon by operator the and City; and
- (c) provide evidence of appropriate Federal Aviation Administration certificate for airline service operations. (Enacted 2004-07)

#### **13.04.080. Flight Instruction.**

(1) Flight instruction is a person engaged in the business of instructing pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, in land or sea aircraft, and provides related ground school instruction as necessary for taking a written examination and flight check ride for the category or categories or pilots licenses and ratings involved. The scope of services offered under this category is subject to final approval by the City.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) have available for use in flight training sufficient aircraft, either owned or under written lease to the operator, properly certificated and airworthy to handle the proposed scope of the training operation; and
- (b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week). (Enacted 2004-07)

#### **13.04.090. Flying Club - Commercial.**

(1) A commercial flying club is person engaged in the business selling aircraft operating time for profit.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall meet the following minimum requirements:

- (a) have available for use, either owned or under written lease to the operator, at least one (1) certificated and currently airworthy aircraft;
- (b) if the operator conducts flight training, have in its employ or as club members sufficient flight instructors who have been properly certificated by the Federal Aviation Administration; and
- (c) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week). (Enacted 2004-07)

#### **13.04.100. Flying Club - Exempt.**

(1) An exempt flying club is an association or group of more than three (3) persons, organized as a nonprofit corporation under the laws of the State of Utah, or, as a duly authorized nonprofit unincorporated association, jointly owning or leasing aircraft where payment is made to the club for the operating time of such aircraft.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, an exempt flying club shall meet the following minimum requirements to qualify as an exempt flying club. Violation of such requirements shall be grounds for termination of exempt status.

(a) The club shall be a nonprofit Utah corporation or partnership, and/or other organization.

(b) Each club member shall be a bonafide owner of the aircraft or be a member of the corporation or partner in the partnership or other organization. Membership shall carry reasonable investment and minimum membership terms in the club for new members, and not be a short term "convenience" membership for the purpose of circumventing commercial operator requirements of this Title.

(c) The club may not derive a profit from the operation or maintenance of its aircraft.

(d) Club aircraft shall not be used by other than bonafide members for rental and by no one for a commercial operation.

(e) The club operator shall file a copy of its bylaws, articles of association, partnership or other documentation supporting its existence, and shall keep current with the Airport Manager a complete list of the club's membership including the names of its officers and directors. (Enacted 2004-07)

#### **13.04.110. Specialized Commercial Aeronautical Activities.**

(1) A specialized commercial flying services operator is a person engaged in air transportation for hire for the purpose of providing the use of aircraft for any of the activities listed below:

(a) aerial photography or survey;

(b) crop spraying and dusting activities;

(c) fire fighting;

(d) nonstop sightseeing flights that begin and end at the same airport within a twenty-five (25) mile radius of the airport;

(e) power line or pipeline patrol and fish spotting; and

(f) any other operation specifically excluded from Part 135, Federal Aviation Regulations.

(2) In addition to the requirements set forth in Section 13.040.010 of this Chapter, such operator shall, when required by the nature of its operation, provide and have at least 1 (one) aircraft, either owned or under written lease to the operator, which meets Federal Aviation Administration requirements and local, state and federal regulations applicable to the type of activity to be performed. (Enacted 2004-07)

### **Chapter 13.05. Fixed Base Operators.**

13.05.010. General Requirements.

13.05.020. Fueling.

13.05.030. Minimum Land and Improvements Required.

13.05.040. Lease Terms and Conditions.

13.05.050. Airfield Access and Security.

13.05.060. Insurance.

#### **13.05.010. General Requirements.**

(1) A fixed base operator shall engage in at least six (6) commercial aeronautical activities, including public aviation fuel sales; aircraft engine, airframe and accessory sales and maintenance; flight training; aircraft charter and taxi service; and at least two (2) other commercial aeronautical activities subject to the minimum standards set forth below for each specific activity. In addition, a fixed base operator shall have:

(a) storage space sufficient to hangar four (4) aircraft;

(b) separate male and female rest-rooms;

(c) a public use telephone;

(d) a separate waiting room or pilot lounge;

(e) hard-surfaced parking area for at least eight (8) aircraft;

(f) minimum operating hours Monday through Saturday for eight (8) hours per day, six (6) days a week, except for legal holidays; and

(g) during normal operating hours, a line serviceman, FAA certificated commercial pilot and flight instructor, and FAA certificated mechanic shall be on duty and available to the public.

(2) Aircraft engine, airframe and accessory maintenance facilities for hire by the public shall include the following:

(a) in case of airframe and/or engine repairs, sufficient hangar space to house any aircraft upon which such service is being performed;

(b) suitable inside and outside storage space for aircraft awaiting repair or maintenance or delivery after repair and maintenance have been completed;

(c) adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for Federal Aviation Administration certification and repair of parts not needing replacements on all single-engine land and light multi-engine land general aviation aircraft;

(d) at least one (1) Federal Aviation Administration certificated airframe and power plant mechanic available during eight (8) hours a day, five (5) days per week;

(e) proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, facilities for washing and cleaning aircraft, and recharging or energizing discharged aircraft batteries and starters; and

(f) adequate towing equipment and parking and tie down areas to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.

(3) Flight training shall include the following:

(a) at least one (1) full-time (eight (8) hours per day, six (6) days per week) and properly certificated flight instructor for single-engine land airplanes;

(b) at least one (1) dual-equipped single-engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised;

(c) adequate office and classroom space for at least ten (10) students with proper restroom and seating facilities;

(d) adequate mockups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction;

(e) properly certificated ground school instructors providing regularly scheduled ground school instruction;

(f) continuing ability to meet certification requirements of the Federal Aviation Administration for the flight training proposed; and

(g) adequate facilities for storing, parking, servicing and repairing all of its aircraft or satisfactory arrangements with other operators licensed or otherwise permitted by the City on the airport for such services.

(4) Aircraft charter and/or air taxi service shall include the following:

(a) passenger lounge, restroom and telephone facilities;

(b) adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, and handling of luggage; and

(c) suitable, properly certificated aircraft with properly certificated and qualified operating crew, one (1) of which shall be located at the airport and ready for departure during at least

eight (8) hours of daylight operation five (5) days per week except for legal holidays.

(5) Aircraft rental and sales shall include the following:

(a) suitable office space for consummating sales and/or rentals and the keeping of proper records in connection therewith;

(b) hangar storage space for at least one (1) aircraft to be used for sales or rental;

(c) for rental, at least two (2) airworthy aircraft suitably maintained and certificated;

(d) adequate facilities for servicing and repairing aircraft or satisfactory arrangements with other airport operators licensed by the City for such service and repair;

(e) a stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold;

(f) current up-to-date specifications and price lists for the types and models of new aircraft sold; and

(g) proper checklists and operating manuals for all rented aircraft and adequate parts catalogue and service manual for new aircraft sold.

(6) Additionally, a fixed base operator shall provide for the adequate and sanitary handling and disposal, away from the airport, of all trash, waste and other materials, including but not limited to used oil, solvents and other waste. The piling of storage crates, boxes, barrels and other containers shall not be permitted within any leased premises.

(7) A fixed base operator shall provide adequate tie down facilities and equipment, including restraining devices and wheel chocks, in a clean operable condition.

(8) Personnel used to dispense aircraft fuels and lubricants shall be trained in the proper recognition of aircraft fuel tank markings, kinds and grades of aircraft fuels and lubricants, and safety precautions necessary for fuel handling.

(9) In all matters relating to aircraft fueling safety and serving, the provisions of National Fire Protection Association manual 407 "Aircraft Fuel Servicing", together with American Petroleum Institute quality control standards, and such documentation as may be amended from time to time, shall be used as a basis for all airport fueling operations. In the event of conflict between such documents and standards set forth in this Title, the standards of this Subsection shall prevail.

(10) Each fixed base operator shall provide adequate towing equipment to safely and efficiently move aircraft.

(11) In the event it becomes necessary to make physical changes on the premises of a fixed base operator, the operator promptly shall make such changes and installations at its sole expense, subject to the approval of the City. Upon written notice by the City, the operator shall be required to perform whatever reasonable maintenance the City deems necessary. If said maintenance is not undertaken by the operator within ten (10) days after receipt of written notice, the City shall have the right to enter upon the demised premises and perform necessary maintenance, the cost of which shall be borne by the operator. (Enacted 2004-07)

### **13.05.030. Fueling.**

(1) A fixed base operator shall demonstrate, to the satisfaction of the City that satisfactory arrangements or agreements have been made with reputable aviation gasoline and lubricant distributors who will provide the operator with an enforceable agreement to purchase fuel and oil in such quantities as are necessary to meet the requirements set forth in this Section. Aviation fuels and oils delivered to an operator by a vendor shall be considered by the City to be fuels and oils dispensed by the operator under the purview of the minimum rental rates established as a part thereof.

(2) Fueling and lubricating sales, and into-plane delivery of aviation fuels, lubricants and other related petroleum products shall be provided by a fixed base operator six (6) days a week from seven 7:00 a.m. to seven 7:00 p.m. The operator shall provide at least one (1) brand and two (2) grades of aviation fuel, including 100 octane and Jet A. Mogas, which when provided, shall meet designated Federal Aviation Administration specifications for the type of fuel being provided and shall be supplied only to aircraft certified under the appropriate supplemental type certificate to use such fuel.

(3) A fixed base operator shall have two (2) metered filter equipped mobile dispensers for dispensing 100LL and Jet A from two (2) fixed storage tanks. Such tanks shall have a minimum capacity of ten thousand (10,000) gallons each. All new fixed storage tanks shall be located in master planned fuel farm areas in accordance with the Area Layout Plan approved by the Federal Aviation Administration.

(a) The operator shall utilize mobile dispensing trucks for delivery of fuel from fixed storage tanks. Each truck shall have a minimum capacity of seven hundred (700) gallons for 100 octane and two-thousand (2,000) gallons for Jet A.

(b) Trucks shall be properly maintained, operated and equipped in accordance with applicable City, state, and federal Aviation Administration regulations.

(c) Separate dispensing pumps for each grade of fuel shall be required.

(4) Fixed self-service fueling stations may be allowed as approved by the Provo Municipal Airport Manager so long as each such station is:

(a) located in an area that does not unduly effect normal ramp operations or alter the airport master-planned use;

(b) maintained in compliance with applicable local, state, and federal rules and regulations;

(c) operated only by an entity meeting the minimum standards required of a fixed base operator under this Title; and

(d) covered by comprehensive general premises liability, property damage, and motor vehicle liability insurance as required for Specialized Commercial Aeronautical Activities under Section 13.08.010 of this Title.

(i) The City shall be held harmless for any harm to persons or property arising from the operation of self-service delivery station equipment.

(ii) It is the sole responsibility of the operating entity to be aware of operating rules and restrictions. Any failure to do so may result in revocation of the operators right to operate any FBO related functions at the Provo Airport.

(5) In conducting refueling operations, a fixed base operator shall install and use adequate electrical grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguisher or other equipment commensurate with the hazards involved with fueling, defueling, and servicing aircraft.

(6) Fuel storage tanks shall be installed in a location consistent with the Airport Layout Plan in compliance with applicable local, state, and federal rules and regulations.

(a) Plans and specifications for a fuel farm (including landscaping) shall be prepared and presented to the City and shall require the written approval of the City before any construction or installation may be undertaken.

(b) The operator shall, at its sole expense, maintain its fuel farm, all improvements thereon, and all appurtenances thereto, in a presentable condition consistent with good business practice and equal to, or better than, in appearance and character, to other similar improvements on the airport. The operator shall repair all damages caused by its employees, patrons, or their operation thereon; shall maintain and repair all equipment thereon; and shall keep its premises safe, neat and in good physical condition.

(c) A spill prevention and cleanup plan shall be prepared and on file at the Airport Manager's office and with Provo City Fire Marshal.

(d) The fuel farm operator shall be liable and indemnify the City for any leak, spill or other damage resulting from the use of a fuel tank or dispensing of fuel.

(7) Fixed base operator provided fueling services and systems shall be subject to inspection for fire and other hazards by the Airport Manager and appropriate City, state and federal fire agencies. Such facilities shall comply with applicable City, state, and Federal Aviation Administration regulations.

(8) Fuel delivered shall be clean, bright, pure and free of microscopic organisms, water or other contaminants. Fuel quality shall be controlled by the fixed base operator. The operator shall maintain current fuel reports on file and make them available for auditing at any reasonable time by the Airport Manager, City, or the Federal Aviation Administration. (Enacted 2004-07, Am 2005-42)

#### **13.05.040. Minimum Land and Improvements Required.**

(1) Land leased for a fixed base operation shall contain sufficient space to accommodate the aeronautical activities to be provided, including aircraft.

(2) An operator shall provide a building for the conduct of business and accommodation for the public appropriate to the size and scope of the proposed business operations, including facilities for crew, passengers, and the general public appropriate to the type of business and services to be offered.

(3) On-site vehicle parking spaces with sufficient accommodations for automobiles shall be provided.

(4) Paved tie-down facilities shall be provided to accommodate an appropriate number of aircraft generated by business operations.

(5) Paving and buildings shall be of permanent construction in compliance with design, material and landscaping requirements as required by applicable provisions of the Provo City Code. (Enacted 2004-07)

#### **13.05.050. Lease Terms and Conditions.**

(1) A fixed base operator shall enter into a land lease with the City as provided in Section 13.03.050(1) of this Title prior to providing any aeronautical activity or service.

(2) The following lease terms and conditions set forth below shall be included in any new land lease in addition to other provisions that may be required by this Title.

(a) The rates or charges for aircraft parking, tie down and storage made by operators shall be determined by the fixed base operator or the City as appropriate. Such rates or charges shall be reasonable and be equally and fairly applied to all users of the service. All rates and charges shall be filed with the Airport Manager.

(b) The operator shall at its own expense, pay all taxes and assessments against any building or any other structures placed on the premises and owned by the operator.

(c) All utilities shall be paid directly by the operator.

(d) Maintenance of the entire leased area shall be the responsibility of the operator, including the maintenance of operator's buildings and pavement areas.

(e) Sublease agreements shall be approved by the City in writing.

(f) No oil, grease, detergent or other insoluble substance shall be placed in a sewage or drainage system or on the ground. Disposal of such substances shall conform to applicable federal, state, and City requirements, including but not limited to, the installation of a grease and oil trap designed to catch all oils, greases, detergents, and other insoluble substances used in the maintenance and washing of aircraft.

(g) The operator shall provide certificates of insurance and in the amounts specified in the "Schedule of Minimum Insurance Requirements."

(h) Provo City Corporation reserves the right, with prior notification, to audit a fixed base operator's financial statements to assure compliance with contract terms and conditions. (Enacted 2004-07)

#### **13.05.060. Airfield Access and Security.**

Airfield access and airport security shall be maintained at all times in accordance with standards established and required by the Airport Manager, and the Federal Aviation Administration. (Enacted 2004-07)

#### **13.05.070. Insurance.**

Each fixed base operator shall provide certificates of insurance indicating the coverage and amount of insurance specified in Chapter 13.08 of this Title. (Enacted 2004-07)

### **Chapter 13.06. Air Cargo and Other Operators.**

13.06.010. General Requirements.

13.06.020. Aerospace Manufacturing Operator.

13.06.030. Air Cargo Operator.

13.06.040. Freight Forwarder.

#### **13.06.010. General Requirements.**

(1) Each air cargo and other operator listed in this Chapter shall meet the following requirements:

(a) conform to airport security standards;

(b) provide certificates of insurance indicating the coverage and amount of insurance specified in Chapter 13.08 of this Title; and

(c) lease from the City an area of land on which shall be erected a building (or sublease from an FBO or ASO with the approval of the City) facilities sufficient to accommodate the operator's business, and related aircraft and public parking requirements.

(i) The layout and configuration of such facilities may be negotiated with the City.

(ii) The operator shall obtain final approval by the City prior to offering any service.

(2) Such air cargo and other operator shall also meet applicable requirements set forth in the following sections of this Chapter. (Enacted 2004-07)

#### **13.06.010. Aerospace Manufacturing Operator.**

(1) An aerospace manufacturing operator is a person engaged in the business of manufacturing aeronautical goods.

(2) Such operator shall hold current, valid, and appropriate Federal Aviation Administration operator's certificates and shall meet the following minimum requirements:

(a) provide at least one (1) qualified full-time supervisor and as many other properly trained personnel as may be required to adequately perform operations in an efficient and timely manner; and

(b) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week). (Enacted 2004-07)

#### **13.06.020. Air Cargo Operator.**

(1) An air cargo operator is a person engaged in the business of providing air transportation of cargo, freight, and/or mail to the public for hire.

(2) Such operator shall hold current, valid, and appropriate Federal Aviation Administration operator's certificates and shall meet the following minimum requirements:

- (a) own or lease aircraft sufficient parking apron to accommodate parking and servicing of company aircraft based on peak-hour workload;
- (b) have operating hours effective to the conduct of business as determined at the discretion of the operator; and
- (c) employ and/or contract with an FBO or ASO for into-plane delivery of fuel and lubricants plus normal aircraft servicing. (Enacted 2004-07)

**13.06.030. Freight Forwarders.**

(1) A freight forwarder is a person engaged in the business of shipping and lading of goods on behalf of a another shipper.

(2) Such operator shall hold current, valid, and appropriate Federal Aviation Administration operator's certificates and shall meet the following minimum requirements:

- (a) have full-time operating hours (minimum of eight (8) hours daily, six (6) days per week); and
- (b) provide certificates of insurance indicating the coverage and amount of insurance specified in Chapter 13.08 of this Title. (Enacted 2004-07)

**Chapter 13.07. Special Use Facilities and Concessionaires.**

13.07.010. Types of Businesses.

**13.07.010. Types of Businesses.**

(1) Any person operating a commercial business activity at the airport not otherwise regulated by Chapters 13.04, 13.05, or 13.06 of this Title shall meet the minimum standards set forth in Chapter 13.03 of this Title. Such business activities shall include, but are not limited to, the following:

- (a) Advertising facility;
- (b) Auto parking lot;
- (c) Bank;
- (d) Barber and beauty shop;
- (e) Car, limousine, and taxi rental;
- (f) Convenience store, amusement and game room;
- (g) Flight and other insurance;
- (h) Gift shop;
- (i) Hotel and motel;
- (j) Newsstand;
- (k) Office building;
- (l) Restaurant, lounge, and liquor store; and
- (m) Vending machine sales.

(2) Liability insurance shall be provided for each commercial business activity.

(a) The amount of insurance required shall be as reasonably determined by the City based on recommendations from the City's insurance underwriters and legal counsel.

(b) Any airport-related insurance policy of an airport lessee shall name the City as additional insured.

(c) Proof of liability insurance shall be provided to the City before:

- (i) a lease agreement between an airport lessee and City is signed; and
- (ii) a license to operate the business is issued. (Enacted 2004-07)

**Chapter 13.08. Minimum Insurance Requirements.**

13.08.010. Minimum Insurance Requirements.

**13.08.010. Minimum Insurance Requirements.**

Each person who conducts an aeronautical activity or service at the airport shall have applicable insurance coverage as set forth on Table 1 in this Section. The City may require additional insurance as may be necessary under any applicable federal, state, or local law, or as the City may reasonably deem necessary to protect the airport, airport users, and the public.

Table 1 - Minimum Insurance Requirements	
Type of Insurance	Coverage Required
<b>Fixed Base Operator</b>	
Aircraft liability, combined single limit bodily injury and property damage, including passengers	<i>Turboprop/jet aircraft:</i> \$5,000,000.00 each occurrence, including passengers (if doing charter) <i>Piston engine aircraft:</i> \$1,000,000.00 each occurrence (if doing charter) with passenger bodily injury limited to \$250,000.00 each person
Comprehensive general premises liability, combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence
Hangar keepers liability, including City as additional insured with a waiver of subrogation for nontransient storage (policy must be endorsed to reflect the same)	<i>Twin engine aircraft:</i> \$250,000.00 each aircraft, \$500,000.00 each occurrence <i>Single engine aircraft:</i> \$100,000.00 each aircraft, \$200,000.00 each occurrence
Product liability and completed operations including sales of new aircraft, repairs/services of parts not installed, and restaurant liability	\$1,000,000.00 each occurrence, with bodily injury limited to \$100,000.00 each person
<b>Airframe and Power Plant Repair</b>	
Premises liability (for hangar operation), combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence
Product liability and completed operations, including repairs and services and parts not installed	\$1,000,000.00 each occurrence, with bodily injury limited to \$100,000.00 each person
Hangar keepers liability, including City as additional insured with a waiver of subrogation for nontransient storage (policy must be endorsed to reflect the same)	<i>Twin engine aircraft:</i> \$250,000.00 each aircraft, \$500,000.00 each occurrence <i>Single engine aircraft:</i> \$100,000.00 each aircraft, \$200,000.00 each occurrence
<b>Avionics, Instrument and Propeller Repair</b>	
Premises liability, combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence

Table 1 - Minimum Insurance Requirements	
Type of Insurance	Coverage Required
Product liability and completed operations, including repairs and services and parts not installed	\$1,000,000.00 each occurrence, with bodily injury limited to \$100,000.00 each person
Hangar keepers liability, including City as additional insured with a waiver of subrogation for nontransient storage (policy must be endorsed to reflect the same)	<i>Twin engine aircraft:</i> \$250,000.00 each aircraft, \$500,000.00 each occurrence <i>Single engine aircraft:</i> \$100,000.00 each aircraft, \$200,000.00 each occurrence
Flight Training	
Aircraft liability, combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence, with passenger bodily injury limited to \$100,000.00 per person
Student and renters liability	\$25,000.00 each occurrence, including passengers
Aircraft Sales	
Aircraft liability (owned and non-owned aircraft), combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence, with passenger bodily injury limited to \$100,000.00 each person
Product liability and completed operations and sale of aircraft	\$1,000,000.00 each occurrence, with passenger bodily injury limited to \$100,000.00 each person
Aircraft Rental	
Aircraft liability, combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence, with passenger bodily injury limited to \$100,000.00 each person
Student and renters liability	\$25,000.00 each occurrence, including passengers
Aircraft Charter and Air Taxi	
Aircraft liability, combined single limit bodily injury and property damage including passengers	\$5,000,000.00 each occurrence including passengers \$1,000,000.00 each occurrence, with passengers bodily injury limited to \$250,000.00 each person
Flying Club	
Aircraft liability, combined single limit bodily injury and property damage; flying clubs members must own equal shares of the aircraft and/or equal shares in the club that owns aircraft	\$1,000,000.00 each occurrence, with passenger bodily injury limited to \$100,000.00 each person

Table 1 - Minimum Insurance Requirements	
Type of Insurance	Coverage Required
Specialized Commercial Aeronautical Activities	
Aircraft liability (if aircraft is utilized in the operation), combined single limit bodily injury and property damage including passengers	\$250,000,000.00 each occurrence, including passenger bodily injury
Comprehensive general premises liability and property damage (if operator leases hangar, ramp, or office space), combined single limit bodily injury and property damage	\$1,000,000.00 each occurrence
Motor vehicle liability (if operator uses service vehicles in airport air operations area), combined single limit and bodily injury and property damage	\$1,000,000.00 each occurrence

(Enacted 2004-07)

**Chapter 13.09. Application for Commercial Aeronautical Activities.**

- 13.09.010. Application.
- 13.09.020. Approval Process.
- 13.09.030. Action by Airport Board.
- 13.09.040. Action by Mayor.

**13.09.010. Application.**

(1) Any person who desires to establish a commercial aeronautical operation on the Provo Municipal Airport shall first make application with the City by providing the following information:

(2) Applications for leases of ground and/or facilities on the airport or for permission to carry on any commercial or noncommercial aeronautical activity on the airport shall be made to the Airport Manager not later than one (1) week prior to the next scheduled airport board meeting. The Airport Manager shall thereafter present the application to the board. The application shall be signed and submitted by a party owning an interest in the business, or the individual who will be managing the business, or partner of a partnership or a director or an officer of a corporation.

(3) The board shall not accept or take action on a license request for any commercial or noncommercial activity until after the applicant, in writing, submits a proposal which sets forth the scope of operation proposed, including the information set forth below:

(a) Proposals shall be in writing and shall provide the information required by Section 13.03.040 of this Title. The City may reject any application which contains incomplete, incorrect, or false information.

(b) In addition to required under Subsection (a), each application shall contain the following additional information:

- (i) name of business;
- (ii) address;
- (iii) telephone; and
- (iv) principal owners.

(4) All financial information submitted shall be confidential except as may be otherwise provided by applicable law. Other information submitted as part of an application may be made available to other approved airport businesses or another person upon request.

(5) An annual fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council shall be required for all special service operations. (Enacted 2004-07, Am 2005-15)

**13.09.020. Approval Process.**

As part of the application review process any person then conducting aeronautical activities on the airport who, in the opinion of the board, may be affected by the granting of an application may be notified of the filing of such application and the time and place of the board meeting where the application will be considered. (Enacted 2004-07)

**13.09.030. Action by Airport Board.**

(1) The Airport Board shall consider an application within a reasonable time after a complete application has been submitted and shall thereafter submit the application to the Mayor with a recommendation for approval, approval subject to reasonable conditions, or disapproval of the application.

(2) An application may be disapproved for one (1) or more of the following reasons:

(a) The applicant for any reason does not meet the qualifications, or standards and requirements established by the City for the Provo Municipal Airport.

(b) The applicant's proposed operations or construction will create a safety hazard on the airport.

(c) The granting of the application will require expenditure of City funds, or use of City labor or materials in connection with the proposed operations to an extent which or at a time when the City is unwilling to enter into such arrangement; or the operation will result in a financial loss to the City

(d) There is no appropriate, adequate, or available space or building on the airport to accommodate the entire activity of the applicant.

(e) The proposed operation or airport development or construction does not comply with the airport master plan, or other planning documents pertaining to the airport.

(f) The development or use of the area requested by the applicant may result in depriving existing fixed-base operators of portions of the apron on which they are operating; or will result in a congestion of aircraft or buildings; or will unduly interfere with the operations of any other present fixed-base operator on the airport as the result of aircraft traffic or service, or preventing free access to the fixed base operator's area.

(g) The person applying or having an interest in the business has supplied false information or has misrepresented a material fact in the application or in supporting documents.

(h) The person applying or having an interest in the business has a record of violating the provisions of this Title, federal aviation regulations, or rules and regulations applicable to the Provo Municipal Airport or any other airport.

(i) The person applying or having an interest in the business has defaulted in the performance of a lease or other agreement with the City.

(j) The person applying or having an interest in the business has an unsatisfactory credit report.

(k) The applicant does not appear to have or have access to the finances necessary to conduct the proposed operation for a minimum period of six (6) months.

(l) The person applying or having an interest in the business has been convicted of a crime or has violated a provision of this Title.

(m) The applicant is unwilling or unable to post a performance bond equal to six (6) month's rental of the airport property where the commercial aeronautical operation is

proposed to be conducted, or provide a cash equivalent or advance payment of six (6) month's rental. (Enacted 2004-07)

**13.09.040. Action by Mayor.**

Upon receipt of a recommendation from the Airport Board, the Mayor shall act upon an application within a reasonable time and shall approve the application, subject to reasonable conditions, or disapprove the application for one (1) or more of the reasons set forth in Subsection 13.09.030(2), Provo City Code. Upon approval or conditional approval, the City shall enter into a lease agreement with the applicant as provided in this Title. (Enacted 2004-07)

**Chapter 13.10. Airport Development Standards.**

13.10.010. Purpose.

13.10.020. Plan Review.

13.10.030. Applicability.

13.10.040. Plans and Specifications Requirements.

13.10.050. Permits and Certifications.

13.10.060. Review Standards.

13.10.070. Procedure.

13.10.080. Action.

13.10.090. Approved Plans and Specifications.

**13.10.010. Purpose.**

The purpose of this Chapter is to establish standards for providing a documented basis for directing and evaluating the planning, engineering, and architectural design of ramp, hangar, and other facilities to be constructed on the Provo Municipal Airport. (Enacted 2004-07)

**13.10.020. Plan Review.**

The Airport Manager shall review all plans and specifications of ramp, hangar, and other facilities submitted pursuant to this Chapter and submit a written recommendation to the City. The City shall then review and approve, reject, or modify the submitted plans and specifications. (Enacted 2004-07)

**13.10.030. Applicability.**

No ramp, hangar, or other facility shall be built or modified until plans and specifications for construction of the same are submitted and approved by the City. (Enacted 2004-07)

**13.10.040. Plans and Specifications Requirements.**

An applicant shall submit to the City two (2) copies of any proposed plans and specifications for the construction or modification of facilities affixed with an engineers seal from the State of Utah. Such plans and specifications shall include at least the following:

(1) A site plan indicating the location and extent of the following:

(a) the size, location, dimensions and floor plan of the hangar or other buildings to be constructed;

(b) the size and dimensions of the ramp and automobile parking areas;

(c) the location and setback of the hangar or other buildings from the ramp and adjacent taxiways;

(d) ramp, hangar and automobile parking access;

(e) total square footage of the ramp, hangar and other building area, along with adequate auto parking, and the legal description thereof;

(f) the location of all trees, shrubs and landscaped areas;

(g) building elevations, including any overhangs and designation of glass or other reflective surfaces;

(h) exterior lighting and area lumination and directions of such lighting;

- (i) utility and easement locations;
- (j) location and height of all fences;
- (k) location of all loading area and pedestrian ways; and
- (l) all exterior contours and types of surfaces, and construction material of all buildings.

(2) Engineering plans and information sufficient to show the following:

- (a) grading with existing and future elevations;
- (b) drainage plans with existing and future flows and facilities;
- (c) pavement surfaces and cross sections;
- (d) erosion control measures;
- (e) hangar and other building construction plans as required; and
- (f) other engineering plans for other related items to be constructed on the property.

(3) All plans and specifications shall be stamped by an engineer or architect licensed to practice in Utah. (Enacted 2004-07)

### 13.10.050. Permits and Certifications.

An applicant shall state whether all necessary permits, certifications and licenses required under local, state and federal requirements have been obtained, and that the applicant has complied or will comply with the applicable standards for development of Provo City Corporation, at the Provo Municipal Airport, and has read and will comply with the rules and regulations of the airport. The applicant shall supply financial information to the City as set forth in Section 13.03.040 of this Title. (Enacted 2004-07)

### 13.10.060. Review Standards.

(1) An application shall be reviewed to determine whether a proposed facility will:

- (a) affect adjacent ramp and hangar facilities or the and on the operation of the taxiways and runways and other operations of the airport; and
- (b) comply with applicable requirements of this Title.

(2) No application shall be approved unless the application meets the following standards:

- (a) The proposed facility will not physical interfere with the operation of aircraft or adjacent ramps, hangars, taxiways or runways.
- (b) Adequate access will exist for aircraft to hangars.
- (c) Hangars will be sufficiently sized per aircraft.
- (d) No lighting or reflections will adversely impact aircraft operations on adjacent ramps, hangars, taxiways or runways.
- (e) No other external effects, including noise, odor, vibration, smoke, dust or gases, will adversely interfere with aircraft operations.
- (f) There will be no adverse effect on the safety of aircraft operations or ground operations on any ramp, hangar, taxiway, runway, or other facility of the airport, including visual or electronic interference with the operation of the navigational aids on the airport.

(g) The proposed development is consistent with the Airport Master Plan. (Enacted 2004-07)

### 13.10.070. Procedure.

Within sixty (60) business days from the date of submission of plans and specifications for the construction or modification of any ramp, hangar or other facility, the City shall approve, approve with conditions, or disapprove the same based upon the provisions of this Title. The action taken shall be in writing. If plans and specifications are disapproved, the basis for disapproval shall be specified in reasonable detail. (Enacted 2004-07)

### 13.10.080. Action.

A decision of the City shall be final unless an applicant files an appeal with the City within ten (10) days after a written decision is rendered. The provisions of Chapter 3.06, Provo City Code, shall govern any appeal except as may be otherwise provided by law. (Enacted 2004-07)

### 13.10.090. Approved Plans and Specifications.

(1) Following approval of plans and specifications, an applicant shall submit to the City two (2) copies of plans and specifications which show any changes required by the approval. Thereafter the Airport Manager shall return one (1) copy to the applicant which shows approval by the City.

(2) Prior to construction and/or modification of any ramp, hangar or facility, an applicant shall first provide the Airport Manager with the following:

- (a) copy of any required building permit and any other license or permit necessary under applicable federal, state or local law; and
- (b) proof of insurance from the contractor as follows:
  - (i) worker's compensation: as required by Utah law;
  - (ii) employer's liability: five hundred thousand dollars (\$500,000.00) per accident (minimum);
  - (iii) commercial general liability combined single limit for bodily injury and property damage: two million dollars (\$2,000,000.00) each occurrence (minimum); and
  - (iv) motor vehicle liability: combined single limit for bodily injury and property damage: two million dollars (\$2,000,000.00) each occurrence (minimum).

(3) Contractor's liability insurance policies shall run to the contractor as assured and shall contain an agreement by the insurer to indemnify the City, Provo Municipal Airport, and Airport Manager against all actions, claims, judgments, or demands for damages arising on account of injuries of whatsoever kind and character sustained by any person or persons on account of the construction of work authorized pursuant to this Chapter.

(4) Where applicable, property damage liability shall be endorsed for blasting, the collapse of, or structural injury to, any building or structure, and damage to underground property, such as wires, conduit pipes, mains, sewers or other similar property.

(5) Every policy shall provide for a waiver of subrogation.

(6) At end of a project, an applicant shall submit lien waiver from the contractor and one (1) set of mylar as-constructed plans. (Enacted 2004-07)

## Chapter 13.11 Airport Sign Standards.

- 13.11.010. General Requirements.
- 13.11.020. Restricted to Leased Areas.
- 13.11.030. Exceptions.
- 13.11.040. Classification of Signs.
- 13.11.050. Location Standards.
- 13.11.060. Permitted Sign.
- 13.11.070. Outdoor Advertising Structures.
- 13.11.080. Removal of Nonconforming Signs.
- 13.11.090. Definitions.
- 13.11.100. Sign Maintenance.

### 13.11.010. General Requirements.

(1) The following general requirements shall apply to all commercial signs and advertising structures erected within areas leased for fixed base operators and other authorized commercial activities within the Provo Municipal Airport.

(a) No person shall erect any sign or advertising structure within leased areas of the Provo Municipal Airport without first

obtaining a sign permit from the Building Inspection Division of the Community Development Department of Provo City. Said permit shall be issued in conformance with the provisions of the Uniform Building Code and other applicable ordinances.

(b) Except as otherwise provided in this Chapter, no commercial signs or advertising structures shall be erected within leased areas of the Provo Municipal Airport without first obtaining the approval of the zoning administrator. Said zoning administrator shall be responsible for assuring compliance with the provisions of this chapter and other applicable City codes and ordinances.

(c) No signs shall be erected within the boundaries of the Provo Municipal Airport which have flashing, blinking, or sequence lighting; nor shall signs have moving parts or visible emissions. No signs shall be so located that they will materially or practically tend to create a hazard to the safe movement and navigation of aircraft either airborne or taxiing.

(d) No signs or advertising structures on leased areas of the Provo Municipal Airport shall be erected on or above the roof of any building or structure. Signs which are mounted on the face of a building or parapet, and extend above the parapet or the top of the wall, shall not be deemed to be a roof sign so long as the extension above the wall or parapet does not exceed five (5) feet. Signs on a mansard type roof shall not be construed to be roof signs so long as the pitch of the mansard roof exceeds two (2) feet vertical rise for every one (1) foot horizontal travel, and the sign does not extend above said roof more than five (5) feet.

(e) Temporary "A" Frame and movable free standing signs shall be prohibited on the Provo Municipal Airport. This prohibition shall apply to signs mounted upon vehicles or trailers which are parked for extended periods of time expressly and exclusively for the purpose of calling attention to or advertising a specific service, business, or product.

(f) No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines or energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.

#### **13.11.020. Restricted to Leased Areas.**

All commercial advertising signs and structures shall be restricted to locations within the leased area of a fixed base operator or other authorized commercial aeronautical activity upon the Provo Municipal Airport. Signs in unleased areas of the airport shall be restricted to directional or informational signs erected and maintained by Provo City or other authorized agencies.

#### **13.11.030. Exceptions.**

(1) This Chapter shall have no application to signs used exclusively for:

(a) The display of official notices used by any court, or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.

(b) Directional, warning, or informational signs of a public or quasi-public nature, directed and maintained by an official body or public utility.

(c) Any sign of a noncommercial nature when used to protect the health, safety, or general welfare of the public.

(d) Any official flag, pennant, or insignia of any nation, state, City or other political unit.

(e) Any signs which convey only general navigation, flying conditions, or other information related to flight convenience or flight safety.

#### **13.11.040. Classification of Signs.**

Every sign erected or proposed to be erected within leased areas of the Provo Municipal Airport shall be classified by the City zoning administrator in accordance with the definitions of signs contained in Section 14.38.160, Provo City Code. Any sign which does not clearly fall within one (1) of the classifications, shall be placed in the classifications which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of said zoning administrator.

#### **13.11.050. Location Standards.**

(1) All signs and advertising structures shall conform to the following location requirements:

(a) All commercial signs on leased areas shall face upon, be directed toward, and be oriented toward the public aircraft operating areas and flight line service areas of the Provo Municipal Airport. Commercial advertising signs, except as noted in the following Section, shall not be oriented to or face upon automobile parking areas or automobile access roads on the "land side" of said leased areas.

#### **13.11.060. Permitted Signs.**

(1) For each authorized fixed base operator or authorized commercial establishment operating on the Provo Municipal Airport, signs shall be permitted in conformance with standards as set forth in this Section.

(2) Lease area signs over five (5) feet in height shall comply with the following provisions:

(a) Refer to Figure 13.11.060(a) at the end of this Chapter.

(b) There may be one (1) such sign for the linear footage contained in two (2) designated sides of the ground area leased from Provo City.

(c) No such freestanding sign shall exceed a height of twenty five (25) feet.

(d) All freestanding signs over five (5) feet in height shall be located only adjacent to that frontage of the leased area which abuts the aircraft flight line or an aircraft operating area of the Provo Municipal Airport.

(3) Every wall sign or painted wall sign within a leased area of an authorized commercial operator at the Provo Municipal Airport shall comply with the following requirements:

(a) The maximum area shall be as set forth in Figure 13.11.060(b) at the end of this Chapter.

(b) There may be two (2) such signs per building face which is oriented to the flight line or a designated aircraft operations area. In no case shall the total wall sign area for each building face exceed that shown on Figure 13.11.060(b) at the end of this Chapter. No building shall be deemed to have more than two (2) faces upon which wall signs or painted wall signs may be placed.

(c) No part of any sign shall extend more than five (5) feet above the wall or parapet upon, or in front of which it is situated. Any sign which extends or is situated above a pedestrian walk area shall have an overhead clearance of at least eight (8) feet.

(d) Said wall signs or painted wall signs shall be located in such a manner as to face upon and be oriented to the aircraft flight line or designated aircraft operating area.

(e) No such sign shall project more than twelve (12) inches from the face or part of the building to which it is attached.

(4) One (1) identification sign for each fixed base operator or authorized commercial tenant may be located in such a manner as to face upon and be oriented to vehicle parking areas or access roads on the "land side" of the commercial leased areas. Said sign shall be in conformance with the design standards and size specifications adopted by the Provo City Airport Board. Said identification sign

may contain the logo or trademark of a petroleum company and/or an aircraft manufacturing company. It may also contain the logo or trademark of the authorized commercial airport lessee. (Am 2006-17)

**13.11.070. Outdoor Advertising Structures.**

All advertising signs and structures placed in leased areas of the Provo Municipal Airport shall be used exclusively to advertise a business conducted, or service rendered, or goods produced or sold within said leased area. There shall be no non-appurtenant advertising structures permitted within the premises of the Provo Municipal Airport.

**13.11.080. Removal of Nonconforming Signs.**

All existing signs which have been made nonconforming by the provisions of this Chapter shall be brought into conformance, replaced, or removed from leased areas no later than five (5) years from the date of the adoption of these requirements (September, 1981).

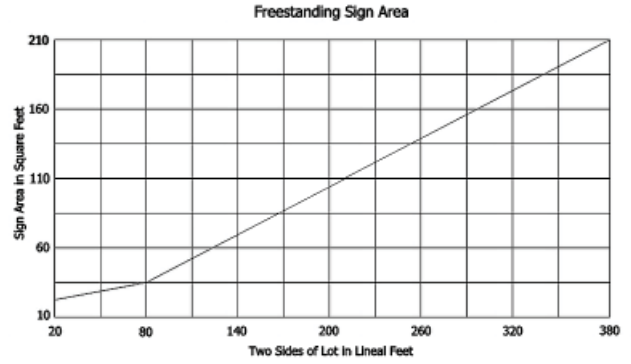
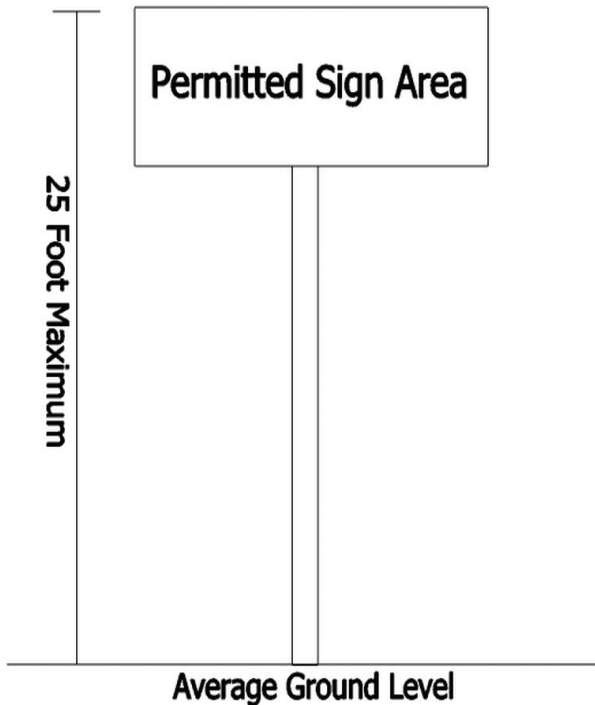
**13.11.090. Definitions.**

Definitions of terms contained herein shall be those set forth in Section 14.38.160, Provo City Code.

**13.11.100. Sign Maintenance.**

All signs and advertising structures shall be maintained in an attractive and mechanically sound condition. Any signs which have missing or broken faces, become severely faded, are not kept in reasonable repair, or for any reason are found to be unsafe, may be required by the Airport Manager to be repaired, replaced, or removed from the premises of the airport.

Figure 13.11.060(a). Freestanding Sign Area.



**13.11.060(b) Wall Sign Area**

