

# Minimum Standards Policy Commercial Aeronautical Activities

(Updated: October, 2014)

# **Broward County Aviation Department**

## **North Perry Airport (HWO)**

### **STATEMENT OF PURPOSE**

- A. These Minimum Standards are published pursuant to Chapter 2, "Airports and Aircraft," Broward County Code of Ordinances. The purpose of these provisions is to define Minimum Standards the Aviation Department will apply to the conduct of general aviation activities at North Perry Airport. The following provisions state the qualifications and criteria established by the Aviation Department as the minimum requirements that must be met by Commercial and Noncommercial Operators engaged in on-Airport general aviation activities for the right to conduct those activities at North Perry Airport.
  
- B. The operating standards outlined in the Minimum Standards Policy are the minimum requirements for Commercial Operators and Noncommercial Operators that operate at the County's Airports and provide the stated general aviation activities at the County's Airports.
  
- C. In the event of a direct conflict between the Minimum Standards Policy and any agreement entered into prior to the Effective Date of this Minimum Standards Policy, the agreement shall govern to the extent of such conflict. It is not intended that the Minimum Standards Policy would alter or change rights under any pre-existing agreement. However, if any pre-existing agreement requires the Lessee or operator to comply with County or Airport rules or regulations, then the Minimum Standards Policy shall be incorporated into such pre-existing agreement as a result of such provision and shall apply to the Lessee or operator to the extent that such policy is not in direct conflict with the agreement.
  
- D. Broward County Aviation reserves the right to amend or modify these standards at its sole discretion.

## II. POLICY

It is the policy of the Aviation Department that Minimum Standards be adhered to by Commercial Operators and Noncommercial Operators in order to conduct business at North Perry Airport. These Minimum Standards will be incorporated into any new general aviation agreement entered into after the Effective Date of this Minimum Standards Policy.

## III. DEFINITIONS

As used in this Minimum Standards Policy for Broward County Airports, the following terms will have the following meanings:

"Aeronautical Lease" means a Lease of property that has access to the AOA and is used for aviation services or other Airport purposes, such as the operation of aircraft, or which contributes to or is required for the safety of such operation.

"Aircraft" shall mean any contrivance now known or hereafter designed, invented, or used for navigation or flight in the air or space, except a parachute or other contrivance designed for air navigation, but used primarily as safety equipment.

"Airport" shall mean North Perry Airport.

"Airport Security Program" or "ASP" shall mean the written plan submitted to the Federal Transportation Security Administration describing the Airport's compliance with federal security regulations.

"Airport Operations Area." "Air Operations Areas" or "AOA" shall mean any portion of the Airport used for landing, taking off, or surface maneuvering of aircraft, and surrounding airside areas.

"Application" means a submittal from a prospective Lessee that meets all the requirements of the Broward County Airports Lease Policy.

"Apron" or "Ramp" shall mean that area of the Airport designated by the Aviation Department for the loading, unloading, servicing and parking of aircraft.

"Aviation Director" or "Director" shall mean the Director or Acting Director of the Aviation Department or his or her duly authorized designee. "Award Authority" shall mean the Broward County Board of County Commissioners, except in instances where the Commission has delegated authority to award a particular type or form of Lease or agreement, and in such instance, the phrase "Award Authority" shall mean the person to whom the Commission has delegated the authority to make such award.

"Commercial Lease" means a Lease wherein the Lessee engages in one or more activities that involves or makes possible the offering for sale of an aviation service for the purpose of obtaining earnings, revenue, income, compensation, or profit, whether or not such an objective is accomplished.

"Commission" or "Board" shall mean the Board of County Commissioners of Broward County, Florida.

"Commercial Operator" means a person engaging in a general aviation activity that involves or makes possible the exchange, trading, buying, hiring, or selling of commodities, goods, services, or property of any kind, or any revenue producing activity conducted on the Airport, whether or not such objective is accomplished. This definition does not include terminal activities, concession or consumer service privileges at FLL.

"County" shall mean Broward County, a political subdivision of the State of Florida.

"Department" and "Aviation Department" shall mean the Broward County Aviation Department, or any successor entity.

"Effective Date" shall mean the Effective Date of this Minimum Standards Policy, which is October 1, 2009.

"Equipment" means all machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the activity being performed. "Federal Aviation Administration" or "FAA" shall mean the administrative agency of the Federal Department of Transportation authorized to regulate aeronautical activities, or any successor agency. "Fixed Base Operator" means a Commercial Operator that is required to offer for sale to the public the general aviation services and products, as hereinafter described.

"Fixed Base Operator" or "FBO" is an aeronautical service offering - either directly or by sublease/subcontract - all of the following services: aircraft guidance on the ramp, aircraft parking and tie-down services, retail aviation fuel sales, line services, aircraft hangar storage, aircraft maintenance and repair, flight planning and flight service facilities, public amenities, removal of disabled aircraft.

"HWO" shall mean the North Perry Airport, located in Broward County, Florida.

"Lease" means a lease of real property at any of the County's Airports, except such term shall not include concessions, or agreements or leases at the airline passenger Terminals at the Fort Lauderdale-Hollywood International Airport.

"Lease Policy" means the Lease Policy for Broward County Airports, as amended from time to time.

"Leased Premises" shall mean the entirety of the ground area leased to a person together with all buildings and improvements.

"Lessee" means a person that has entered into a direct Lease with the County, or that has leased all or substantially all of the Leased Premises under a Lease for premises at a County Airport.

"Marshaling" shall mean to guide or usher aircraft.

"Minimum Standards" means, as applicable, the Minimum Standards for North Perry Airport, as set forth in this Minimum Standards Policy.

"Minimum Standards Policy" means this Minimum Standards Policy for General Aviation at Broward County Airports, as amended from time to time.

"Nonaeronautical Lease" means a lease of property at one of the County's Airports that does not have access to the AOA and does not need to be near the flight line in order to operate.

"Non-Aviation Lease" means a Nonaeronautical Lease of property at one of the County's Airports that is not used for and aviation or other Airport purpose.

"Noncommercial Lease" means a Lease wherein the Lessee maintains an aviation facility or provides an aviation service solely for its own benefit and not for the benefit of the public. Such Noncommercial Leases do not offer aviation products or services for sale to others.

"Noncommercial Operator" shall mean a person that maintains a facility or provides a service solely for its own benefit and does not engage in any exchange, trading, buying, hiring, or selling of commodities, goods, services, or property of any kind, or any revenue producing activity. Such Noncommercial Operators are specifically prohibited from offering aviation products or services for sale to others.

"Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, committee assignee, or other representative or employee thereof.

"Repair Station" shall mean a facility used to repair aircraft, including repairs to airframes, power plants, propellers, avionics, instruments, and accessories that have been approved by the Federal Aviation Administration.

"Specialized Aviation Service Operator" or "SASO" is an aeronautical business that offers a single or limited service, such as, but not limited to: aircraft flying clubs, flight training, aircraft, airframe, and power plant repair/maintenance, aircraft charter, air taxi or air ambulance, aircraft sales, avionics, instrument or propeller services, or other specialized commercial flight support business.

"Tie-down" means an area on the Airport, paved or unpaved, suitable for the parking of aircraft, wherein tie-down points have been located.

"Transportation Security Administration" or "TSA" shall mean the entity appointed by the United States Department of Transportation, or successor agency, to be responsible for airport security and the inspecting of persons and property carried by aircraft operators and foreign air carriers.

#### **IV. MINIMUM INSURANCE REQUIREMENTS**

Insurance coverage for Commercial and Noncommercial Operators at the County's Airports shall be as required by the Broward County Risk Management Division and other applicable County, state, federal and local requirements.

## **V. MINIMUM STANDARDS - NORTH PERRY AIRPORT**

### **A. FIXED BASE OPERATORS • NORTH PERRY AIRPORT**

Fixed Base Operators (FBO) at North Perry Airport shall be subject to minimum service standards, minimum management and staffing standards, and minimum facility requirements, as follows.

#### **1. Minimum Service Standards for Fixed Base Operators.**

- a. FBO will be required to provide either directly or by sublease/subcontract all of the following services:

Aircraft guidance on the ramp

Aircraft parking and tie-down services

Retail aviation fuel sales

Line services

Aircraft storage

Aircraft maintenance and Repair Station

Flight planning and flight service facilities

Public amenities

Removal of disabled aircraft

Minimum service standards for the activities listed above may be specified individually in the agreement between the Lessee and the County.

As used in this Section, the phrase "at all times" means 24 hours a day, seven days a week Minimum Operating Service Standards for Fixed Base Operators.

In the case of the following activities, the following minimum standards shall apply, as well as any that may be specified in a particular Lease.

**b. Services and Equipment**

A FBO shall provide the following services and equipment for Aircraft Guidance, Aircraft Parking, and Tie-Down Services.

- (1) Personnel and equipment to service aircraft to meet demand, with never less than one person on duty during the hours of 0800-1900L during Daylight Savings Time (Summer Hours) and 0800L-1800L during Standard Time (Winter Hours.) FBOs will post a call out telephone number to allow customers to obtain after hours services on request.
- (2) Aircraft parking and tie-down facilities and equipment, including ropes, chains, wheel chocks, and any other type of restraining devices suitable to accommodate at least 15 aircraft.

**c. Retail Aviation Fuel Sales.**

- (1) A FBO shall provide the following services and equipment during hours of operation. Retail aviation fuel sales including a fully trained and qualified staff person to dispense aviation fuels and lubricants.
- (2) A FBO shall:
  - i. Construct and maintain permanent aviation fuel storage for a minimum of 10,000 gallons of aviation fuel.
  - ii. Ensure that all fuel facilities and fueling operations are constructed, maintained, and conducted in accordance with all applicable County, state, federal and local laws, rules, and regulations.
  - iii. Secure and maintain all licenses and permits required by County, state, federal and local laws, rules, and regulations for transporting fuel. Copies of all such required licenses and permits shall be submitted to the Department upon request.

**d. Line Services.**

A FBO shall provide the following services and equipment during hours of operation:

- (1) Equipment for performing minor maintenance, such as repairing and inflating aircraft tires, changing oil, recharging aircraft batteries, window cleaning and interior cleaning.
- (2) Make available transportation for transient passengers and pilots, i.e. calling a taxi or shuttle service.
- (3) Ground support equipment for turnaround of aircraft, including energizers and starters, ground-power units and fire extinguishers.

**e. Aircraft Storage.**

A FBO shall provide a minimum of 10,000 square feet of aircraft storage for general aviation aircraft, excluding aircraft maintenance hangar. Such storage shall either be in the form of T-hangars, open bay hangars, tie-down, or a combination of all.

**f. Aircraft Maintenance and Repair Station.**

A FBO shall provide the following services eight hours per day, five days per week:

- (1) Equipment, supplies, and spare parts in accordance with FAR Parts 43, and amendments thereto and other applicable rules and regulations.
- (2) Trained personnel in sufficient numbers to meet demand for the maintenance services offered during the required hours of operation; never less than one (1) person certificated by the FAA as both an airframe and power plant mechanic.

**g. Flight Planning and Flight Service Facilities.**

A FBO shall provide the following services and facilities:

- (1) A flight planning facility equipped with direct communication to an FAA Flight Service Station, local navigation charts, and light planning materials available during hours of operation.
- (2) Sales counter to offer a variety of pilot supplies, navigation and flight planning materials.
- (3) Access to weather information via computer.

**h. Public Amenities.**

- (1) A FBO shall provide a conveniently located, heated and air-conditioned lounge and separate sanitary restroom facilities for men and women available during hours operation.
- (2) Snack and/or beverage vending services available during hours of operation.

**i. Removal of Disabled Aircraft.**

A FBO shall make the following services available at all times.

- (1) Aircraft towing and other equipment as necessary for removal of disabled aircraft up to 12,500 pounds maximum gross take-off weight.
- (2) Trained and experienced personnel as necessary to operate the equipment identified above.

**j. Optional Permitted Services.**

Minimum Standards for optional permitted services provided by an FBO shall be as defined for each service under Section IV.B. "Specialized Aviation Service Operators - North Perry Airport."

**2. Minimum Management and Staffing Standards.**

- a. The activities of a FBO shall be supervised by a full-time, on-site manager or supervisor who shall be responsible for adhering to the standards specified herein and in the FBO's Lease.
- b. The FBO shall provide, at a minimum, the number of staff as specified in these Minimum Standards to conduct the services offered.
- c. All staff shall be trained and qualified to perform the duties for which they are employed.
- d. Additional minimum management and staffing standards may be specified individually in the agreement between the Lessee and the County.

**3. Minimum Facility Requirements.**

A FBO shall be required to:

- a. Lease a minimum ground area of at least five (5) acres.
- b. Construct (or provide on-site) and maintain, at a minimum, the following facilities (unless geographical or regulatory requirements require a different standard):
  - (1) An aircraft maintenance hangar of not less than 5,000 square feet and aircraft storage or T-hangars of not less than 10,000 square feet.
  - (2) An office or administration building of not less than 1,000 square feet, adequate to accommodate an office, public lounge, and sanitary restroom facilities.

- (3) Paved apron area of not less than 43,560 square feet (one acre) with access to aircraft storage and taxiways.
  - (4) Fuel farm storage for a minimum of 10,000 gallons.
  - (5) Paved automobile parking outside the AOA, but within the Leased Premises, for a minimum number of automobiles as specified by applicable governmental requirements.
  - (6) Electric security gate to restrict unauthorized access to the ramp.
- c. Where existing building facilities are to be leased or an existing Lease is renegotiated, the foregoing criteria will be used as a general measure of the adequacy of the facilities.
  - d. All improvements shall be constructed or leased in areas designated for general aviation commercial use in the FAA-approved Airport Layout Plan (ALP) and the Aviation Department Land Use Management Plan (LUMP) and shall be in conformance with the approved Aviation Department Property Development Standards.
  - e. Additional minimum facility standards may be specified individually in the agreement between the Lessee and the County.

#### **4. Prohibited Services.**

- a. No commercial activity shall be conducted from any T-Hangar.
- b. Other prohibited services may be specifically identified in the Lease

### **B. SPECIALIZED AVIATION SERVICE OPERATORS - NORTH PERRY AIRPORT**

## **1. Minimum Service Standards for SASOs.**

Specialized Aviation Service Operators (SASO) at North Perry Airport shall be subject to minimum service standards, minimum management and staffing standards, and minimum facility requirements, as follows.

### **Operating as a SASO**

A person can operate as a SASO through a direct Lease with the County or through a sublease/subcontract with an FBO or other SASO.

## **2. Minimum Service, Management and Staffing Standards.**

Activities permitted to be conducted, if permitted by the applicable Lease, by a SASO or that may be undertaken by an FBO at its option may include, but shall not be limited to, the following:

- Aerial advertising
- Aerial ambulance
- Aerial survey, photography, and mapping
- Aircraft leasing
- Aircraft maintenance and repair
- Aircraft painting
- Aircraft rental
- Aircraft sales
- Aircraft storage and hangar rentals
- Aircraft upholstery
- Avionics and instrument repair
- Flight training school
- Non-scheduled and air charter services for transporting passengers, cargo, and mail
- Propeller repair

## **3. Personnel Requirements and Response Time**

A SASO offering any of the services listed above, with the exception of aircraft storage and hangar rentals, shall have at a minimum an employee (with ratings appropriate to the work to be performed) on-site during operating hours. At all other times, the SASO shall have one

person available, on call, who shall respond on-site within 30 minutes, if necessary, to customer inquiries and Aviation Department concerns. With respect to a SASO that only provides aircraft storage and hangar rentals, such SASO shall have one person available, on call, who shall respond on-site within 30 minutes, if necessary, to customer inquiries and Aviation Department concerns. In addition, minimum service, management and staffing standards for the activities listed above shall be as defined below and as defined in Section V.A.2, and in Sections V.A.3.C, 3.d, and 3.e, if applicable, and as may be specified individually in the agreement between the Lessee and the County. In the case of the following activities, the following minimum service standards shall also apply.

a. Flight Training School.

A SASO offering flight instruction services shall make available for flight training or aircraft rental at least two certificated and currently airworthy aircraft, including at least one aircraft suitable for instrument flight instruction.

b. Non-Scheduled and Air Charter Passengers, Cargo, and Mail Services.

A SASO offering non-scheduled and charter passenger, cargo, and/or mail services shall:

- (1) Conduct all aircraft charter and air taxi operations in accordance with and certificated under FAR Part 135 and amendments thereto and all other applicable rules and regulations.
- (2) Provide services and equipment for servicing passengers and for handling freight, luggage, and ticketing. Make available transportation for transient passengers and pilots, i.e. calling a taxi or shuttle service.

**4. Prohibited Services.**

- a. A SASO shall be prohibited from the sale or dispensing of aircraft fuels. Any person desiring to sell or dispense fuel must enter into a Lease with the County as an FBO and meet the requirements of such an operator.
- b. No commercial activity shall be conducted from any T- Hangar.

- c. Other prohibited services may be identified in the Lease.

## **5. Minimum Facility Requirements.**

- a. In instances where the SASO has a direct Lease with the County, the ground area under Lease shall not be not less than one (2) acres of land, however, the County may at its discretion waive the acreage requirement and divide parcels of land for purposes that benefit the airport. The SASO shall construct and/or Lease at a minimum:
  - (1) Aircraft hangar, shops, or facilities of not less than 1,000 square feet.
  - (2) An office or administration facility may be required with the size of the facility being based on the type of services being provided.
  - (3) All SASO facilities will be required to provide public sanitary restroom facilities.
  - (4) A paved apron with access to aircraft hangars, large enough to accommodate aircraft operated by the SASO and to meet reasonable demands for visitor aircraft parking.
  - (5) Paved off-street parking outside the AOA, but within the Leased Premises, for a minimum number of automobiles as specified by governmental requirements.
  - (6) Electric security gate to restrict unauthorized access to the ramp.
- b. Any SASO performing activities or services under a sublease shall have office space, hangar space, ramp area, tie-down area, public areas, parking spaces and other facilities and amenities adequate to support its commercial activity and as specified by governmental requirements.

## **SELF-FUELING REQUIREMENTS – NORTH PERRY AIRPORT**

Any Lessee or sublessee at North Perry Airport desiring to exercise the right to self-fuel aircraft at its Leased Premises must satisfy the following Minimum Standards:

- C. Ensure that all fuel facilities and fueling operations are constructed, maintained, and conducted in accordance with all applicable County, state, federal and local laws, rules, and regulations.
- D. Proof of an ownership interest in the aircraft being fueled.
- E. All refuelers, refueling equipment, fuel trucks, and fuel truck operators must: (i) meet NFPA 407 requirements, as amended from time to time, (ii) be approved by the Aviation Department for such activities; and (iii) be subject to periodic inspections by the Fire Marshal's Office, or any successor.
- F. Proof that the person(s) who will be transporting fuel and performing the fueling of aircraft is the owner of the aircraft or are employees of the owner of the aircraft and are properly licensed to engage in fueling operations.
- G. All licenses and permits required by applicable County, state, federal and local laws, rules and regulations for transportation of fuel shall be secured and kept current. Copies of all required certificates, permits or licenses shall be submitted to the Department.
- H. Insurance coverage as required by Broward County Risk Management Division and other applicable County, state, federal and local requirements.
- I. Self-Fueling Operators shall be prohibited from the sale of aircraft fuels. Any person desiring to sell fuel must enter into a Lease with the County as an FBO, and must meet the requirements of such an operator. In addition, other prohibited services may be identified in the Lease.
- J. Any fuel farm storage facilities located at Leased Premises must have a capacity with a minimum of 10,000 gallons and dispensing equipment intended for such purpose.

# **Minimum Standard Leasing Guidelines**

## Commercial Aeronautical Activities

(Updated: October, 2014)

# **Broward County Aviation Department North Perry Airport (HWO)**

## Leasing Policy

The Broward County Aviation Department has established the goal of ensuring that North Perry Airport maintains operational and financial sustainability, while supporting economic development for both aeronautical purposes and non-aeronautical uses that enhance and support aviation. The leasing of airport property shall follow the current market trends for return on investment of land and buildings.

Property and building leases shall allow flexibility in order to maximize the use of available land in a manner that realizes economies of scale, encouraging business growth.

The use of land shall be compatible with the current Broward County and City of Pembroke Pines Land Use Plan.

The long term best interests of the Airport shall be the primary criteria for entering into a lease and may take place on a case by case basis. Broward County reserves the right to preserve land for its highest and best future use, in accordance with the latest Airport Master Plan.

The benchmark for land rents shall be established by annual appraisal. BCAD may, through negotiations, raise or lower lease rents based on the use of property with a goal of 3-4% rate of return. Existing building rental rates shall be consistent with Chapter 39 of the Broward County Administrative code. Property that has existing buildings shall be included in the initial property appraisal. New buildings shall be appraised and included in lease rates after 10 years.

Individual leases will be adjusted annually by the Consumer Price index (CPI) or 3%, whichever is greater.

Every 10 years, leased property will be re-appraised based on fair market value of the property

Leases shall be developed in accordance with existing County Administrative Code, Section 39.3.a,2.

## DEVELOPMENT GUIDELINES

Vacant land will only be leased with a firm commitment to construct improvements within one year.

The policy to provide extensions of lease, or new leases to existing tenants when:

- they have performed in full compliance with the terms of their existing lease
- the Aviation Department and the tenant agree on desirable additional investment and improvements or that none are required
- the Aviation Department has not identified a different use for the parcel.

The following guidelines shall be used to determine appropriate lease term based on investment and shall apply to Chapter 39 of the Broward County administrative code, as amended:

Lease Agreements will not exceed 30

years.Term	Investment
1-5 years	No additional investment required
6-10 years	\$100,000 – 250,000
10-15 years	\$250,000 – 500,000
15-20 years	\$500,000 – 750,000
20 -30 years	\$750,000 - 1 Million

Without regard to lease term, amortization period for improvements shall not exceed the lesser of lease term, unless a buyout provision for unamortized value is determined to be in the best interest of the County, or 30 years.

If based on the policy described in the preceding sections, an extension or new lease is not being offered to an existing tenant, and more than one party seeks the facility, new tenants will be selected by using a competitive bid process in accordance with Broward County procurement code.

Existing leases shall not be renegotiated or extended prior to one (1) year before termination unless there is a significant benefit to the Department in the form of additional investment, improved financial terms, etc.

In the event an existing lease is being replicated, the Director of Aviation or his/her designee, is authorized to enter into administrative leases for a term of up to twelve (12) months in order to complete the administrative process.