

Alamogordo-White Sands Regional Airport

MINIMUM STANDARDS AND GUIDELINES FOR COMMERCIAL SERVICES

**Prepared For The
City of Alamogordo**

**Submitted By
Airport Advisory Board**

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1.0 INTRODUCTION

The City of Alamogordo owns and operates the Alamogordo-White Sands Regional Airport (or Airport) as a public-use Airport. The daily management of the Airport is under the direction of the Airport Manager. The Alamogordo City Commission has approved these minimum lease and/or use standards. A current rates, fees, and charges schedule is found in Airport Ordinance 4-06-060. Any activities for which there are no specific minimum lease and/or use standards will be addressed by the Airport Manager on a case-by-case basis and set forth in such commercial operators' written franchise, lease, license, permit or agreement with the City.

The Airport minimum lease and/or use standards provide the threshold entry requirements (e.g., qualifications, levels of service, facilities, insurance, etc.) for those wishing to provide aeronautical services to the public and to insure those services are exposed to fair or responsible competition. Minimum standards are in place at many airports nationwide and are supported by the Federal Aviation Administration and both of the national airport management associations (American Association of Airport Executives and Airports Council International). These minimum standards take into consideration the aviation role of the Airport, facilities that currently exist at the Airport, services currently being offered at the Airport, and the future development and aviation services planned for the Airport. These minimum standards contain the minimum levels of service, facilities, staffing, insurance, and environmental compliance that must be met by any prospective service provider. The uniform application of these standards relates primarily to the public interest by discouraging substandard entrepreneurs and mandating insurance coverage levels, thereby protecting the Airport, its patrons, and established aeronautical activities.

The following minimum lease and/or use standards cover the following operations at the Airport:

1. Fixed Base Operators
2. Specialized Flight Operations
3. Airport Tenants
4. Operators

If an individual or firm desires to provide commercial services at the Airport, they will be provided with a copy of these minimum standards, which include definitions, and the application process for a prospective business. Each individual or firm will be required to be properly registered with the City of Alamogordo and/or the State of New Mexico, as applicable, and submit any required reports and tax revenues accordingly.

1.1 Intent and Purpose

No person, corporation or other entity shall use the Alamogordo-White Sands Regional Airport as a base or terminal, or as a direct means of carrying on any aeronautical related activity except the following:

- A. A lessee of the City of Alamogordo operating under an airport lease with the Alamogordo City Commission (See Appendix A - Application for Franchise or Facility Lease)
- B. A sub-lessee or licensee of a lessee described in paragraph above, whose sub-lease or agreement with the lessee has been approved by the Alamogordo City Commission (See Appendix A - Application for Franchise or Facility Lease)

- C. A person operating under a permit issued by the Alamogordo City Commission
- D. A federal, state or City government agency operating under authority of that agency. In the case of federal government agencies, the sections specified in the Airport Development Aid Program (ADAP) grant terms will be applied
- E. An operator under contract to government agency operating with a written agreement with the City of Alamogordo.

1.2 Exclusions

The following operations are not covered by the minimum lease and/or use standards:

- A. Any operation by federal government-owned and operated aircraft or of its departments or agencies as specified under the ADAP grant program. Examples of these operations currently operating at the Airport include the United States Air Force (USAF) Civil Air Patrol (CAP), United States Department of Agriculture (USDA) Forest Service aerial firefighting aircraft including contracted airtankers and various active, reserve and guard components of the Department of Defense (DoD). Specific agreements will be made to meet those conditions.
- B. Any operation of the City of Alamogordo or one of its departments or agencies.
- C. Scheduled air carrier operations.
- D. Scheduled air taxi operations, commuter airlines, or the equivalent thereof.
- E. Land of the Alamogordo-White Sands Regional Airport that is leased by the City for the sole purpose of allowing access to the runway and taxiway systems of the airport to persons or companies who are not fixed base operators.
- F. Land of the Alamogordo-White Sands Regional Airport that is leased by the City of Alamogordo for non-aeronautical purposes.
- G. Federal Aviation Administration (FAA) Designated Examiners while performing duties as an FAA Designated Examiner.

1.3 Statement of Policy

In conformity with the recommendations of the Alamogordo-White Sands Regional Airport Advisory Board, it is the policy of the City of Alamogordo to grant fixed based operator's access to the Airport from property not owned by the City only in cases where the proposed service cannot adequately be performed from or on City-owned property.

No lease will be extended beyond its original term if the operator does not comply with the standards detailed in Section 4.0 below unless the operator obtains a waiver of these standards from the Alamogordo City Commission after a showing that the waiver is in the public interest.

The Alamogordo City Commission may establish additional standards for:

- A. Any operations excluded from these standards under paragraph three (3) above;
- B. Any other aeronautically related businesses or specialized services located on city-owned property or on privately-owned property contiguous to the Airport, access to which is granted by the Alamogordo City Commission.

In addition to the requirements of the FAA, the Alamogordo City Commission may establish rules and regulations which are required for the safe and orderly operation of the Airport, for the safe and orderly

operation of the aircraft in the Airport traffic pattern and in the airspace surrounding the Airport.

1.4 Specialized Flight Operations

1.4.1 Flying Clubs: The following requirements pertain to all flying clubs desiring to base their aircraft at the Alamogordo-White Sands Regional Airport.

Regulations: Each club must be a not-for-profit corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation or partnership. The club may not derive greater revenue from the use of its aircraft than the amount necessary for operation, maintenance, and replacement of the aircraft. On or before December 31st of each year, the club will file with the Alamogordo-White Sands Regional Airport Manager a complete list of the club's membership and the ownership interest each member holds in the club.

Aircraft: The club's aircraft will not be used by anyone for commercial operations. Student instruction may be given in a club aircraft to a club member provided such instruction is given by a lessee based on the Airport who provides flight training or provided such instruction is given by an instructor who shall not receive remuneration in any manner for such instruction

Violations: In the event any club fails to comply with these standards after receiving written notification of the violation from the Airport Manager, the Airport Manager may take any action deemed advisable, including termination of all rights and privileges to use the Alamogordo-White Sands Regional Airport, subject to appeal to the Alamogordo City Commission.

Insurance: See Appendix C for insurance requirements.

2.0 DEFINITIONS

- A. The Federal Aviation Administration is hereinafter referred to as the "FAA."
- B. Federal Aviation Regulations is hereinafter referred to as "FAR"
- C. The State of New Mexico is hereinafter referred to as the "State."
- D. The City of Alamogordo, New Mexico, is hereinafter referred to as the "City."
- E. The Alamogordo- White Sands Regional Airport is hereinafter referred to as the "Airport". It includes the following:
 - 1. All city-owned land, defined on city plot maps entitled "Alamogordo-White Sands Regional Airport";
 - 2. All land acquired in the future by the City for the Airport.
- F. "Aeronautical Activity" means any activity commonly conducted at 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. These activities include, but are not limited to, air taxi and charter operations, air cargo, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, ultralight operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts, and aircraft storage.
- G. "Aeronautical Service" means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a lease or permit from the Airport owner to provide such service.
- H. "Aircraft Maintenance" means any repair, adjustment, or inspection of aircraft performed by a pilot, owner, or mechanic other than the routine cleaning, upkeep and servicing of an aircraft in preparation for flight. Major alterations to the airframe, power plant, propeller, and accessories as defined in FAR Part 43. Minor alterations are normal routine and annual inspection with attendant maintenance, repair, calibration, adjustment, or repair of aircraft and their accessories.
- I. "Aircraft Operation" means the taxi, takeoff, or landing of an aircraft on the Airport.
- J. "Aircraft Operator" means any entity which pilots, controls, owns, exclusively leases or maintains an aircraft.
- K. "Aircraft Parking and Storage Areas" means those hangar and apron locations of the Airport designated by the City for the parking and storage of aircraft. These areas include "tie-down" aprons equipped with three-point rope or chain devices that are used to secure aircraft.
- L. "Airport Advisory Board" means the Board created by the Alamogordo City Commission under Article II, Division 2, Section 4-28 of the Code of Ordinances of the City and is hereinafter referred to as the "AAB".
- M. "Airport Layout Plan", also ALP means a graphic presentation to scale of existing and proposed airport facilities, their location on the airport and the pertinent clearance and dimensional information required to show conformance with applicable FAA airport planning and design standards. A current FAA-approved ALP is a prerequisite to issuance and receipt of federal funding in support of any airport capital improvement project.
- N. "Airport Master Plan" means the FAA-approved concept of the ultimate development of the Airport. It presents the research and logic from which the plan evolved and displays the plan in written and graphic forms.

- O. "ALM" is the Federal Aviation Administration identifier code for Alamogordo-White Sands Regional Airport
- P. "Co-op" is short for cooperative. An association or corporation established for the purpose of providing services on a nonprofit basis to its shareholders or members who own and control it
- Q. A "Fixed Base Operator" is hereinafter referred to as a "FBO," and is duly licensed and authorized by written agreement with the Airport to provide activities or services, as defined below, at the Airport. An FBO is any person or entity (i) located on City owned property (ii) which provides any aeronautical activity, aeronautical services, or non- aeronautical services which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of operations, or which furnishes or performs any one or more of the following services:
1. Aircraft sales and service;
 2. Avionics sales and service;
 3. Aviation petroleum and by-products sales and ramp services;
 4. Aircraft charter and non-scheduled air-taxi service;
 5. Flight instruction and aircraft rental;
 6. Aircraft, engine, propeller and accessory maintenance and repair station; and/or
 7. Specialized commercial flight services.
- R. "Minimum Lease and/or Use Standards" means the standards which are established by the Airport as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity, aeronautical service, or non-aeronautical service on the Airport.
- S. "Non-Aeronautical Service" means any service commonly conducted at the Airport which provides service or products which are not associated with aviation. These activities include restaurants, mobile catering and food service, taxi service, car rental, and mobile service vans.
- T. An "Operator" (not fixed base) is any person or entity under a contract to use the Airport in continuous operation for more than 15 days and deriving a revenue for those services. This would also apply to any of the services or areas described in Section 2(D) above.
- U. "Repair Facility" means any FAA-approved facility properly designed and equipped as specified herein to be utilized for the repair of aircraft to include airframe, power plant, propellers, radios, instruments, and accessories. Such facility will be operated in accordance with pertinent FAA regulations.
- V. A "Specialized Aviation Service Operations" (SASO) are entities providing a single commercial activity or limited aeronautical commercial services.
- W. "Tie-Down" means the designated paved or turfed area suitable for parking of aircraft wherein a minimum of three suitable tie-down points are available.

3.0 APPLICATION PROCEDURE

3.1 Application Elements

Demonstration of intent to conduct an aeronautical activity, aeronautical service, or non-aeronautical service on the Airport shall be by application to the Airport Manager. The written application (See Appendix B - Commercial Permit Application) shall contain at the minimum:

- A. The proposed name and nature of the activity/service.
- B. Proposed date for commencement of the activity/service.
- C. The names, addresses, and telephone numbers of all individuals who would be owners, partners, or managers of the activity/service. Copies of current FAA licenses and certificates that would be required for the proposed activity/service, if applicable.
- D. A current financial statement for the owners, partners, or managers of the activity/service. Certification by a Certified Public Accountant may be required.
- E. A listing of assets owned, or being purchased, or leased which will be used in the activity/service on the Airport.
- F. A current credit report for each party owning or having a financial interest in the business, and a credit report on the activity/service itself covering all geographical areas in which it has done business in the ten-year period immediately prior to such application.
- G. A list of employers or work history providing information covering last five years for the owners, partners, or managers of the activity/service.
- H. Preliminary plans, specifications, and dates for any improvements which the applicant intends to make on the Airport for the proposed activity/service. Applicant must comply with City building code, fire code, and permit requirements. Building permit applications will require the approval of the Airport Manager prior to submission to the City Public Works Department.
- I. An operations plan providing summary of intended use of Airport facilities, including proposed environmental compliance plan.
- J. See Appendix C for insurance requirements. Operations will not begin until the City has proof of insurance.
- K. A financial and technical business plan forecasting business development and demonstrating finances necessary to conduct the proposed activity/service and the capability to meet FAA requirements for the proposed activity/service.
- L. Such other information as the Airport Manager may reasonably require.

3.2 Application Process

All applications will be reviewed and acted upon by the Airport Manager and the City Commission within 90 days from the receipt of the complete written application. Applications may be denied for one or more of the following reasons:

- A. The applicant does not meet qualifications, standards and requirements established by the Minimum Lease and/or Use Standards.
- B. The applicant is found to not possess valid state tax identification number.
- C. The applicant's proposed activity/service will create a safety or environmental hazard on the Airport.
- D. The granting of the application will require the expenditure of Airport funds, labor or materials

- on the facilities described in or related to the application, or the activity/service could have a negative impact on the Airport's financial operations.
- E. There is no appropriate or adequate available space or building on the Airport to accommodate the activity/service of the applicant.
 - F. The proposed activity/service does not comply with the approved Airport Master Plan and/or Airport Layout Plan.
 - G. The proposed construction would detract from the physical appearance of the Airport, is of low quality, or lacks durability.
 - H. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present tenant, such as problems in aircraft traffic or service, vehicular access and egress, or noise to existing tenants.
 - I. Any applicant applying, or interested in the activity/service, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
 - J. Any applicant applying, or having an interest in the activity/service, has a record of violating the rules, regulations, or minimum standards of the Airport or any other airport, the applicable FARs, the City of Alamogordo Code, or local health regulations.
 - K. Any applicant applying, or having an interest in the activity/service, has defaulted in the performance of any lease or other agreement with the Airport or any lease or other agreement with another airport or entity.
 - L. Any applicant applying, or having an interest in the activity/service is not sufficiently credit worthy and responsible in the judgment of the Airport Manager to provide and maintain the proposed activity/service and to promptly pay amounts due under the lease.
 - M. The applicant does not have the finances necessary to conduct the proposed activity/service.
 - N. The applicant has committed any crime, or violated any ordinance, rule or regulation, which adversely reflects on its ability to conduct the proposed activity/service.
 - O. The proposed activity/service does not meet the federal, state, or local requirements for environmental compliance.

3.3 Application Appeals Process

The applicant shall have the ability to appeal the denial of an application, subject to the following provisions:

- A. Providing written notice of appeal to the Airport Manager within ten (10) calendar days of said denial.
- B. The notice of appeal will be forwarded to the AAB for review and a hearing.
- C. The AAB shall render its recommendation in writing within thirty (30) calendar days of receipt of the notice of appeal.
- D. An appeal of the final recommendation of the AAB may be made to the City Commission if a written notice of appeal is filed with the City Clerk within thirty (30) calendar days of the AAB's final recommendation. Upon receipt of a notice of appeal, the City Clerk shall immediately notify the City Manager, who shall, after consultation with the City Commission, schedule a hearing on the matter. On any appeal, the final recommendation of the AAB shall be stayed, pending the outcome of the appeal before the City Commission. The City Commission shall conduct a full and impartial hearing on the matter before rendering any decision. . The decision of the City Commission shall be final.

4.0 MINIMUM STANDARDS FOR LEASE AND/OR USE OF THE ALAMOGORDO-WHITE SANDS REGIONAL AIRPORT

No person, corporation or entity shall act as an FBO until receiving approval of a lease from the Alamogordo City Commission. Prior to the approval, of a lease, an FBO or a prospective FBO shall satisfy the Alamogordo City Commission, if the Commission so requests, that it is technically and financially able to perform the requested service and that it has the insurance required by these standards outlined below.

To satisfy the Alamogordo City Commission, each FBO or prospective FBO shall allow the Commission or its designee to inspect its financial records and any other records which the Commission deems necessary. Any information obtained by the Commission shall be kept in strict confidence. In addition each FBO or prospective FBO may be required to furnish to the Commission a credit report or other reference attesting to its experience, character or ability. The Commission shall hold a public hearing on all applications of FBO's for a lease.

All operations at the Airport shall be conducted for the public benefit in order to promote aviation and air transportation and aeronautical activities. No operation shall be conducted in violation of the rules and regulations of the FAA or the City of Alamogordo. The Alamogordo City Commission may promulgate rules and regulations to implement these standards.

Each FBO shall protect the public generally, the customers or clients of the FBO and City from any and all damages, claims or liability arising out of its use of the leased premises and shall carry comprehensive general liability insurance with a reputable company with limits not less than those specified herein. The City shall be named as an additional insured and Certificates of Insurance must be provided to the City. It is further understood that the City may require an increase in bodily injury, liability, and/or property damage insurance coverage. The Alamogordo City Commission may allow insurance of a lesser amount to be carried if it can be shown that the required amount of insurance is not commercially available at a reasonable rate. See Appendix C for insurance requirements.

4.1 Aircraft Sales

Any lessee desiring to engage in the sale of new or used aircraft must lease and/or provide as a minimum the following:

4.1.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide space for buildings, storage of aircraft, and display.

4.1.2 Buildings

Basic Requirement: Lease or construct a minimum of 800 square feet of properly lighted and heated space for office and public lounge, rest rooms, and telephone.

4.1.3 Personnel

Basic Requirement: One person having a current commercial pilot certificate with ratings appropriate for the types of aircraft to be demonstrated.

4.1.4 Dealerships

Basic Requirement: New aircraft dealers shall hold an authorized factory or sub-dealership license or permit if required by the state.

4.1.5 Aircraft

Basic Requirement: A dealer of new aircraft shall have available or on call one current model demonstrator.

4.1.6 Services

Basic Requirement: N/A

4.1.7 Hours of Operation

The normal operating hours will be at the operator's discretion, but he should be reasonably available to the public.

4.1.8 Insurance Coverage

See Appendix C for insurance requirements.

4.2 Airframe and/or Power Plant Repair

Any lessee desiring to engage in airframe and/or power plant repair service must provide as a minimum the following:

4.2.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide space for all buildings and temporary parking of aircraft.

4.2.2 Buildings

Basic Requirement: Lease existing facility or construct a building sufficient to provide shop space meeting federal, state, or local industrial code requirements and hangar space as required for FAA repair certification. Also, lease or construct building which will provide a minimum of 400 square feet of properly heated and lighted office space, rest rooms, and telephone.

4.2.3 Personnel

Basic Requirement: One person currently certified with FAA with ratings appropriate for work being performed who may hold an airframe and/or power plant rating.

4.2.4 Equipment

Basic Requirement: Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

4.2.5 Hours of Operation

Basic Requirement: The normal operating hours shall be forty (40) hours per week. Daily operating schedule will be at the discretion of the operator and posted at the operator's facility and in the Airport Manager's office. All holidays observed by the City of Alamogordo may also be observed by the operator. Changes to the normal schedule will be coordinated with the Airport Manager at least one week in advance.

4.2.6 Insurance Coverage

See Appendix C for insurance requirements.

4.3 Aircraft Rental

Any lessee desiring to engage in the rental of aircraft must provide as a minimum the following:

4.3.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide space for buildings, aircraft parking, and tie downs.

4.3.2 Buildings

Basic Requirement: Lease or construct building which will provide a minimum of 400 square feet of properly heated and lighted office space, rest rooms, and telephone.

4.3.3 Personnel

Basic Requirement: One person having a current commercial pilot certificate with appropriate ratings.

4.3.4 Aircraft

Basic Requirement: One airworthy aircraft owned or leased in writing to the lessee.

4.3.5 Hours of Operation

Basic Requirement: The normal operating hours shall be forty (40) hours per week. Daily operating schedule will be at the discretion of the operator and posted at the operator's facility and in the Airport Manager's office. All holidays observed by the City of Alamogordo may also be observed by the operator. Changes to the normal schedule will be coordinated with the Airport Manager at least one week in advance.

4.3.6 Insurance Coverage for Owned or Leased Aircraft

See Appendix C for insurance requirements.

4.4 Flight Instruction

Any lessee desiring to engage in pilot flight instruction shall provide as a minimum the following:

4.4.1 Land

Basic Requirement: The leasehold shall contain adequate land space for buildings, aircraft parking, and tie downs.

4.4.2 Buildings

Basic Requirement: Lease or construct a building having 800 square feet of properly lighted and heated floor space to provide classroom, briefing room, pilot lounge, rest rooms, and telephone.

4.4.3 Personnel

Basic Requirement: One person properly certificated with FAA as flight instructor to cover the type of training offered.

4.4.4 Aircraft

Basic Requirement: The lessee shall own or have leased to him in writing one properly certificated aircraft equipped for flight instruction.

4.4.5 Hours of Operation

Basic Requirement: The normal operating hours shall be forty (40) hours per week. Daily operating schedule will be at the discretion of the operator and posted at the operator's facility and in the Airport Manager's office. All holidays observed by the City of Alamogordo may also be observed by the operator. Changes to the normal schedule will be coordinated with the Airport Manager at least one week in advance.

4.4.6 Insurance Coverage for Owned or Leased Aircraft

See Appendix C for insurance requirements.

4.5 Aircraft Fuels and Oil Dispensing Service

Only approved FBOs or the City of Alamogordo can sell fuel on the Airport. Lessees desiring to dispense aviation fuels and oil, and provide other related services such as tie down and parking, shall provide as a minimum the following services and facilities:

4.5.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide for buildings, aircraft parking, tie downs, and dispensing equipment.

4.5.2 Buildings

Basic Requirement: Construct or lease a building providing a minimum of 400 square feet of properly lighted and heated floor space for office, public lounge, rest rooms, and telephone.

4.5.3 Personnel

Basic Requirement: One properly trained person shall be on duty during operating hours.

4.5.4 Aircraft Service Equipment

Basic Requirement: Emergency starting equipment and adequate fire extinguishers.

4.5.5 Services

Basic Requirement: Sale of fuel and oil, facilities for tie-down or other storage of aircrafts, ramp services, and some capability for minor flight line repairs. All fueling operations will be conducted according to the 2005 (or more current) City of Alamogordo Aviation Fuel Standards.

4.5.6 Fueling Facilities

Basic Requirement: Two (2) metered filter-equipped dispensers, fixed or mobile, for dispensing two (2) grades (jet & 100 octane) of fuel from storage tanks having a minimum capacity of 8,000 gallons each. Mobile dispensing truck(s) shall have a total of at least 300 gallon capacity for each grade of fuel. Separate dispensing pumps and meters for each grade of fuel is required.

4.5.7 Hours of Operation

Basic Requirement: Fueling service shall be provided nine (9) hours per day, seven (7) days a week (e.g., Sunday to Saturday), and on-call after normal hours. Daily operating schedule will be coordinated with the Airport Manager and posted at the operator's facility and in the Airport Terminal. Thanksgiving and Christmas will be observed holidays. Changes to the normal schedule will be coordinated with the Airport Manager at least one week in advance.

4.5.8 Insurance Coverage

See Appendix C for insurance requirements.

4.6 Radio, Instrument, or Propeller Repair Service

Lessees desiring to provide a radio, instrument, or propeller repair service must hold an FAA repair station certificate and ratings for same and provide as a minimum the following:

4.6.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide space for buildings and temporary parking of aircraft.

4.6.2 Buildings

Basic Requirement: Lease existing facility or construct a building sufficient to provide shop space meeting federal, state, or local industrial code requirements and hangar space as required for FAA repair certification. Also, lease or construct building which will provide a minimum of 400 square feet of properly heated and lighted office space, rest rooms, and telephone.

4.6.3 Personnel

Basic Requirement: One person currently certified with FAA with ratings appropriate for work being performed who may repair station certificate.

4.6.4 Equipment

Basic Requirement: Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer's recommendations or equivalent.

4.6.5 Hours of Operation

Basic Requirement: The normal operating hours will be at the operator's discretion, but he should be reasonably available to the public.

4.6.6 Insurance Coverage

See Appendix C for insurance requirements.

4.7 Air Taxi Service

Lessees desiring to engage in air taxi service must hold an FAA Air Taxi – Commercial Operator Certificate with ratings appropriate to the functions to be accomplished.

4.7.1 Land

Basic Requirement: The leasehold shall contain adequate land space for buildings, aircraft parking, and tie downs.

4.7.2 Buildings

Basic Requirement: Lease or construct a building providing a minimum of 800 square feet of properly heated and lighted space for office and public lounge, rest rooms, and telephone.

4.7.3 Personnel

Basic Requirement: One FAA certified commercial pilot who is appropriately rated to conduct air taxi service offered.

4.7.4 Dealerships

Basic Requirement: One four-place (or more) aircraft meeting all the requirements of the Air Taxi/Commercial Operator Certificate held.

4.7.5 Hours of Operation

Basic Requirement: The hours of operation shall be as required to provide advertised service, and provide on-call service during non-operating hours.

4.7.6 Insurance Coverage

See Appendix C for insurance requirements.

4.8 Aerial Applications

Lessees desiring to engage in aerial application operations must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137; comply with requirements of the state and political subdivisions thereof; and provide as a minimum the following:

4.8.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide for buildings, aircraft parking, tie downs, and dispensing equipment.

4.8.2 Buildings

Basic Requirement: Lease or construct building which will provide a minimum of 400 square feet of properly heated and lighted office space, rest rooms, and telephone.

NOTE: Such facilities will be located on the Airport in a location which will provide the greatest safeguard to the public.

4.8.3 Personnel

Basic Requirement: One person holding current FAA commercial certificate, properly rated for the aircraft to be used and meeting the requirements of Part 137 of FAA Regulations and applicable regulations of the state.

4.8.4 Aircraft

Basic Requirement: One aircraft which will be airworthy, meeting all the requirements of Part 137 of FAA Regulations and applicable regulations of the state. This aircraft shall be owned or leased by agreement in writing and based on the lessee's leasehold.

4.8.5 Facilities

Basic Requirement: Centrally drained, paved area for aircraft loading, washing, servicing and dumping facility of sufficient size to meet federal, state, and local governmental requirements.

4.8.6 Hours of Operation

Available on call during the normal aerial application season.

4.8.7 Insurance Coverage

See Appendix C for insurance requirements.

4.9 Specialized Commercial Flight Services

Lessees desiring to engage in the specialized commercial flight services including but not limited to those listed below shall provide as a minimum the following:

1. Banner towing and aerial advertising
2. Aerial photography or survey
3. Firefighting or fire patrol
4. Powerline or pipeline patrol
5. Parachute jumping
6. Any other operations specifically excluded from Part 135 of the FAA Regulations.

4.9.1 Land

Basic Requirement: The leasehold shall contain adequate land to provide for buildings, aircraft parking, and tie downs.

4.9.2 Buildings

Basic Requirement: Lease or construct building which will provide a minimum of 400 square feet of properly heated and lighted office space, rest rooms, and telephone.

4.9.3 Personnel

Basic Requirement: One person having a current FAA Commercial Pilot Certificate with appropriate ratings for the aircraft to be flown.

4.9.4 Aircraft

Basic Requirement: One properly certificated aircraft owned or leased in writing to the lessee.

4.9.5 Hours of Operation

Basic Requirement: Normal operating hours will be at the operator's discretion, but he should be reasonably available to the public.

4.9.6 Insurance Coverage for Owned or Leased Aircraft

See Appendix C for insurance requirements.

4.10 Multiple Services

Lessees desiring to engage in two or more commercial aeronautical activities must provide as a minimum the following:

4.10.1 Land

Basic Requirement: The leasehold for multiple activities shall contain adequate space for specific use area requirements for buildings, aircraft parking, and tie downs.

4.10.2 Buildings

Basic Requirement: Lease or construct a building having 800 square feet of properly lighted and heated floor space to provide office space, public lounge, rest rooms, and telephone. Repair stations must provide minimum shop and hangar space as required by FAA certification.

4.10.3 Personnel

Basic Requirement: Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.

4.10.4 Aircraft

Basic Requirement: All requirements for aircraft for the specific activities to be engaged in must be provided; however, multiple uses can be made of all aircraft, except aerial applicator aircraft, to meet these requirements.

4.10.5 Equipment

Basic Requirement: All equipment specifically required for each activity, must be provided.

4.10.6 Services

Basic Requirement: All services specifically required for each activity must be provided during the Hours of Operation.

4.10.7 Hours of Operation

Basic Requirement: The lessee will adhere to the operating schedule as required for each activity.

4.10.8 Insurance Coverage

See Appendix C for insurance requirements.

4.11 Non-Commercial Fueling Operator

4.11.1 Definitions

- a. A non-commercial fueling operator is an operator who engages in either self- fueling as an individual or co-op fueling through an organization of tenants.
 - 1. Self-fueling is defined as the non-commercial fueling of an aircraft by the aircraft owner or the owner's employees using the aircraft owner's vehicles, equipment and resources.
- b. Each entity engaging in non-commercial fueling at the airport shall fully comply with the minimum standards set forth in this section.

4.11.2 Permit/Approval

- a. No entity shall engage in non-commercial fueling unless a valid General Aviation Operator Permit authorizing such activity has been obtained from the Airport Manager.

4.11.3 Fueling Reports

- a. On or before the 20th calendar day of the subsequent month, non-commercial fueling operator shall provide a summary report to the Airport Manager identifying the number of gallons of aviation fuel purchased by fueling operator by fuel type. They will pay the fuel flowage fee (as adopted by City ordinance) due to the Airport Manager at City Hall.
- b. Non-commercial fueling operator shall at all times, maintain books and records for a period not less than 3 years. The Airport Manager shall have the right, through its representatives and at reasonable times, to inspect, examine, and audit all books, records and fuel meters within five (5) days of receipt of notice by Airport Manager to conduct such audit. All such books and records will be made available to the Airport Manager for at least three (3) years following any month when fuel was dispensed or purchased. In the case of a discrepancy between the amount of fuel purchased by and/or delivered to non-commercial fueling operator and the amount of fuel dispensed by non-commercial fueling operator, the greater amount shall prevail and the non-commercial fueling operator shall promptly pay all additional fees due and owing the Airport Manager, including interest on the unpaid balance at a rate established by the Airport Manager; not to exceed the maximum allowable by law.

4.11.4 Fuel Storage

- a. Non-commercial fueling operator shall demonstrate that satisfactory arrangements have been made for the storage of fuel as follows:
 - 1. In a designated fuel storage area approved by the Airport Manager and agencies having jurisdiction.
 - 2. Entities authorized by the Airport Manager shall lease land and construct or install a fuel storage facility in a location approved by the Airport Manager.

4.11.5 Non-Commercial Self-Fueling

- a. Provided that the requirements of the airport's minimum standards program and all applicable regulatory measures are met, an aircraft owner or the aircraft owner's employees may perform services (fueling, maintenance, or repair) on the aircraft owner's aircraft utilizing the aircraft owner's vehicles, equipment, and resources (self-service). This section outlines the requirements of a non-commercial self-fueling operator:
 1. Prior to issuance and subsequently upon request of the Airport Manager, a non-commercial self-fueling operator shall provide evidence of ownership or lease of any aircraft being operated and fueled by self-fueling operator. Evidence of ownership or lease must demonstrate proof that the Aircraft is under full and exclusive control of the non-commercial self-fueling operator.
 2. Self-fueling shall be restricted to the Aircraft listed on the permit.
 3. The self-fueling operator shall comply with audit procedures established by the Airport Manager and the current Uniform Fire Code.
 4. Any fuel stored in a hangar must be in certified fuel storage containers, limited to 2.5 gallons or less and be approved by the Airport Manager.

4.12 Private Fueling

4.12.1 Definitions

- a. Self-fueling is defined as the non-commercial fueling of an aircraft by the aircraft owner or the owner's employees using the aircraft owner's vehicles, equipment and resources.
- b. Co-op fueling means the self-fueling of aircraft through an organization formed by several aircraft owners.

4.12.2 Co-op fueling, as defined herein, is prohibited.

4.13 Fueling Cooperatives

4.13.1 Definition

A fueling cooperative is an entity formed and registered with the state by two or more aircraft owners for the purpose of self-fueling. Fueling cooperatives shall not be required to meet the minimum standards stipulated for FBO's so long as the fueling cooperative cooperative's membership is not available to the general public and fueling is limited to aircraft owned in full by members of the organization and fueling is performed only by members of the organization with equipment owned by members of the fueling cooperative.

4.13.2 Co-op fueling, as defined herein, is prohibited.

4.14 Standards Pertaining to the City

The City reserves the right:

- A. To maintain and keep in repair the landing area and all publicly owned facilities of the Airport and to direct and control all activities of the City in this regard.
- B. To further develop or improve the landing area and all publicly owned air navigation facilities of the Airport at its discretion without interference or hindrance by lessee.
- C. To take any action it considers necessary to protect the aerial approaches of the Airport against destruction, and the right to prevent lessees from erecting or permitting to be erected any building or other structure on the airport which in the opinion of the City would limit the usefulness of the Airport or which would constitute a hazard to aircraft.

4.15 Monetary Standards Pertaining to Leases and Fees

FBO's and other lessees shall pay as rent for land leased and building rental (if applicable) an amount to be determined, from time to time, but not more frequently than annually, by the Alamogordo City Commission. An FBO, as a precondition of the issuance of a lease by the Alamogordo City Commission shall agree not to sublease, permit, or allow any other individual, corporation or entity to operate as an FBO within the leased limits or to conduct any business activities which directly or indirectly relate to aeronautics or flight without prior written approval of the Alamogordo City Commission.

See Rates & Charges document.

4.16 Revocation and Suspension

The Alamogordo City Commission may revoke any lease granted:

- A. For false statements knowingly made in either the application or in any statement of fact which may have been furnished by the applicant to the Commission;
- B. For willful or repeated failure to operate in substantial compliance with these standards;
- C. For willful or repeated violation of or repeated failure to observe any requirement of these standards or any applicable rule or regulation of the Alamogordo City Commission or the FAA;
- D. For default in the payment of a required fee.

4.17 General Provisions

These standards may be amended from time to time according to the process described in Section 4.18 below. These standards shall be deemed to be incorporated into any lease issued by the City Commission. The Rates and Charges Document will be updated on an annual basis associated with the City of Alamogordo's budget process.

Where there is a transfer of the majority or controlling interest of stock of a corporation holding a lease, the corporation shall inform the City Commission of such transfer in writing and satisfy the City Commission that the company is able to meet the requirements of these standards. Failure to notify the City Commission shall be a ground for revocation of the lease.

Prior to the amendment of these standards and prior to adoption of any additional standards the Airport Advisory Board and the Alamogordo City Commission shall hold a public meeting at which all citizens shall have a right to be heard. Notice of the meeting shall be published in a newspaper having a daily circulation in Alamogordo.

4.18 Amendments

Amendments to the minimum lease and/or use standards may be proposed by the Airport Manager, AAB Members, or any Airport user. A recommended change shall be forwarded, in writing to the Airport Manager. The Airport Manager will have the proposed amendment studied and then will forward the proposal to the full AAB. The AAB will review the proposed amendment and direct the Airport Manager to post a notice on the bulletin board in the Airport terminal building and post on the Airport's web site. Copies of the proposed amendment will be available for review in the Airport terminal building during regular business hours. A comment period of not less than 30 calendar days from the posting of the notice will be allowed. Comments must be in writing to the Airport Manager and received by the Airport Manager within the comment period. All comments will be considered by the AAB at a public hearing. After considering all the comments, the AAB will forward its recommendation to the City Commission for approval or disapproval. If the amendment is adopted by the City Commission, the Airport Manager will either have the amendment incorporated in the next update to the minimum lease and/or use standards or issue an Operations Directive. Approved amendments will become effective immediately following approval by the City Commission.

4.19 Existing Operators

With regards to an existing franchise or lease, all conditions not meeting the minimum lease and/or use standards shall be considered non-conforming. All such non-conforming conditions shall be brought into conformance upon the happening of any of the following: changes to an existing franchise, lease, agreement, or permit, including assignment, renewal, expiration, or majority ownership change (fifty-one (51) percent or greater).

4.20 Waivers or Modifications

The City may waive or modify any portion of the minimum lease and/or use standards for the benefit of any governmental agency performing not-for-profit public services, fire protection, or emergency response operations. The City may waive or modify any portions of the minimum lease and/or use standards for any entity when it is determined that such waiver or modification is in the best interest of the public, and will not result in discrimination against other commercial operators at the Airport.

4.21 Compliance With Ordinances, Laws, And Regulations

All entities operating on the Airport shall comply, at their own expense, with applicable federal and state laws, as well as city ordinances as promulgated and revised from time to time. Any fines or other assessments made against the City as a result of the non-compliance of any entity with any law, regulation, or ordinance shall be the responsibility of the offending entity, which shall reimburse the City for any and all costs associated with any such enforcement actions.

4.22 Compliance With Health, Fire, Construction, And Zoning Codes

All entities using or operating from the Airport shall comply with the requirements of all health, fire, construction, and zoning codes and/or ordinances applicable to the Airport and its operation.

4.23 Damages

Any clause herein or lease provision to the contrary notwithstanding, any entity using the Airport shall be chargeable for all damages caused by such use to the Airport or any property located thereon and shall hold the City harmless from any payment thereof.

4.24 Licenses, Certificates, And Authorizations

No entity shall operate for compensation on or from the Airport unless it possesses all licenses, certificates and authorizations required by these standards and the various governmental authorities (e.g., federal, state, and local) for such operations.

5.0 ENFORCEMENT

The minimum standards described in this document will be enforced using methods and procedures approved by the City Commission in accordance with 4-02-010 of City Ordinance.

**Appendix A — Application for Franchise or Facility Lease
Alamogordo-White Sands Regional Airport**

Fill out this application form to request a franchise (land lease) or facility lease at the Alamogordo-White Sands Regional Airport. Complete all blocks with the appropriate information. Fill-in blocks with "N/A" when they do not apply to your request. Continue on separate sheets if additional room is required. Please type or print clearly.

Return this completed application to:

**Airport Manager
Alamogordo-White Sands Regional Airport
3500 Airport Road
Alamogordo, NM 88310**

DATE: _____ 20 ____

1. APPLICANT INFORMATION

NAME: _____

ADDRESS: _____
Street address or P.O. Box, State, Zip Code

PHONE NUMBER: () _____ Work () _____ Home

FACSIMILE: () _____ E-mail: _____

SOCIAL SECURITY NO: _____ CITIZENSHIP: _____

2. BUILDING/FACILITY REQUIREMENTS: State the type and size of building/facilities/office needed. Indicate any special consideration for equipment, drainage, lighting, etc.

If applicable, attach a site plan and or drawings.

Have you, the applicant, received the following pertinent documents:

1. ALM Minimum Standards and Guidelines for Commercial Services
2. City Ordinance regulating the ALM Airport
3. Alamogordo Aviation Fuel Standards
4. Rates and Charges Document

____ Yes ____ No

**Appendix B — Application for Commercial Permit
Alamogordo-White Sands Regional Airport**

DATE: _____ 20 ____

1. APPLICANT INFORMATION

NAME: _____
Name of individual(s) completing this application

ADDRESS: _____
Street address or P.O. Box, State, Zip Code

PHONE NUMBER: () _____ Work () _____ Home

FACSIMILE: () _____ E-mail: _____

SOCIAL SECURITY NO: _____ CITIZENSHIP: _____

2. COMPANY/BUSINESS INFORMATION

NAME OF COMPANY/BUSINESS: _____

PRESIDENT/PARTNERS: _____
Name(s)

FEDERAL TAX I.D. NUMBER: _____

BUSINESS ADDRESS: _____
Street address or P.O. Box, State, Zip Code

DESCRIBE PRESENT BUSINESS: _____

Have you or any interested parties in this application ever filed bankruptcy?

____ Yes ____ No

Have you or any interested parties in this application ever been convicted of a felony?

____ Yes ____ No

3. PURPOSE OF APPLICATION (check one):

LAND FRANCHISE: All persons wishing to construct improvements at the Airport must first enter into a Land Lease or Franchise for a suitable parcel. Return this form to the Airport Manager, who will initiate the Lease/Franchise approval process, which will include approval or disapproval by the City Commission.

FACILITY LEASE: All persons wishing to occupy City-owned improvements at the Airport must first enter into a Facility Lease for the desired facility. Return this form to the Airport Manager, who will initiate the lease approval process, which will include approval or disapproval by the City Commission.

4. NATURE OF PROPOSED BUSINESS: Check all activities proposed to be conducted the first day of operations.

A. Aircraft Support Services:

- ____ Aircraft Storage
- ____ Aircraft Painting
- ____ Aircraft Maintenance (major or minor repair)
- ____ Repair or reconditioning of used aircraft
- ____ Aircraft parts sales
- ____ Avionics repair, installation and/or sales
- ____ Aircraft sales, leasing and/or brokerage
- ____ Sale of aeronautical items/supplies (charts, books, etc...)
- ____ Aircraft management

B. On-Demand Flying Services

- ____ Aerial photography or survey
- ____ Agricultural operations (crop-dusting)
- ____ Aircraft Charter for any purpose
- ____ Aircraft Rental to the public
- ____ Corporate Flight Department
- ____ Flight School
- ____ Sightseeing flights
- ____ Ground school or Flight examiner
- ____ Other (list) _____
- ____ Other (list) _____

C. Airline Operations:

- ____ Air carrier or Air Taxi Operations
- ____ Transportation of cargo and/or mail

5. BUSINESS REQUIREMENTS:

A. Building/Facility Requirements: State the type and size of building/facilities/office needed to conduct the business. Indicate any special consideration for equipment, drainage, lighting, etc.

If applicable, attach a site plan and or drawings.

B. Storage, use of or transport of volatile, hazardous or toxic chemicals or waste: Will any part of the operations of this business require the storage, use of or transport of volatile, hazardous or toxic chemicals or waste on Airport property? Yes No (If yes, explain in detail)

C. Ownership: List all persons or companies that will own an interest in the proposed business.

Name: _____ Phone number: _____

Address: _____

Name: _____ Phone number: _____

Address: _____

D. Management: List the person who will be managing the operations at Alamogordo-White Sands Regional Airport.

Name: _____ Phone number: _____

Address: _____

E. Requirement for Expenditure: Will your business require the Alamogordo-White Sands Regional Airport to spend funds or supply labor or materials? Yes No (If yes, explain in detail)

6. OTHER SUPPORTING DOCUMENTS:

Please provide a copy of all additional information that is checked below. All information that is requested should be typed or printed legibly.

- All the information or documents below.
- Brief description of previous experience you have in the proposed business.
- Three (3) business references.
- Three (3) credit references.
- Licenses or permits required to conduct business (i.e., FAA Part 135 or Air Agency Certificate).
- Site Plans or Drawings (if applicable).
- Business Plan or Pro Forma.
- Certificate of Insurance.
- New Mexico Aircraft License (if applicable).
- Last year's financial statements to include balance sheet, income statement or individual tax returns.
- Other _____

7. ACKNOWLEDGEMENT OF APPLICANT RECEIVING PERTINENT DOCUMENTS

Have you, the applicant, received the following pertinent documents:

- 5. ALM Minimum Standards and Guidelines for Commercial Services
- 6. City Ordinance regulating the ALM Airport
- 7. Alamogordo Aviation Fuel Standards
- 8. Rates and Charges Document

____ Yes ____ No

8. CERTIFICATION:

I certify that I am authorized to sign this application on behalf of the individuals or the Company represented on this application. I certify that to the best of my knowledge the information provided on this application is true and factual.

Signature	Title	Date

Printed or Typed Name

Appendix C – Insurance Requirements Alamogordo-White Sands Regional Airport

Minimum Bodily Injury and Property Damage Liability Limits

Fixed Based Operators / Specialized Flight Operations and Services

Airport Operations:

\$500,000 Each Person / \$1,000,000 Each Occurrence

Products and Completed Operations:

\$100,000 Each Person / \$1,000,000 Each Occurrence / \$1,000,000 Annual Aggregate

Fire Legal Liability:

\$50,000 Each Occurrence

Hangar Keepers Liability:

\$500,000 Each Aircraft / \$1,000,000 Each Occurrence

Airport Tenants

Premises Liability:

\$500,000 Each Person / \$1,000,000 Each Occurrence / \$1,000,000 Annual Aggregate

Fire Legal Liability:

\$50,000 Each Occurrence

Other Minimum Requirements

Evidence of Insurance Document must disclose:

- A. If the Insurer is an Admitted or Non-Admitted Carrier with the New Mexico Guaranty Fund**
- B. That the City of Alamogordo is named as an insured**