

ORDINANCE 2981; COUNCIL BILL 22-003

AN ORDINANCE REPEALING AND REPLACING CHAPTER 7.5, AVIATION OF THE LAS CRUCES MUNICIPAL CODE 1978, AS AMENDED.

The City Council is informed that:

WHEREAS, the City has established an ordinance governing use of the Airport to enhance its value as an aerial gateway to the City through equitable regulation; and

WHEREAS, the City desires that regulation be clear and concise, provide consistent guidance, and promote aviation activity and business development; and

WHEREAS, Chapter 7.5, Aviation was adopted in 1998 and has not been updated since 2003.

NOW, THEREFORE, Be it Ordained by the Governing Body of the City of Las Cruces:

(I)

THAT the Las Cruces Municipal Code 1978, as amended, Section 7.5, Aviation is hereby repealed and replaced as shown in "Exhibit A" and attached hereto.

(II)

THAT City staff is hereby authorized to do all deeds as necessary in the accomplishment of the herein above.

DONE AND APPROVED this 02 day of August 2021

Chapter 7.5 – Aviation

ARTICLE I. IN GENERAL

Sec. 7.5-1. Definitions.

For purposes of this Ordinance, the following definitions shall apply, except where the context clearly indicates a different meaning:

Aeronautical means anything which involves, makes possible, or is required for the flight of aircraft, or the storage or presence of aircraft on the airport, or which contributes to, or is required for the safety of aircraft in flight.

Aeronautical services/activities means any activity or service conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or that contributes to or is required for the safety of such operations.

Agreement means the written agreement between the City and an Operator specifying the terms and conditions under which the Operator may conduct commercial aviation activities.

Aircraft or aircraft means a device which is used or intended to be used for flight in air. Examples of aircraft include, but are not limited to: airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter, auto gyro), unmanned aerial vehicle, balloon, blimp, and ultralite.

Aircraft fuel means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine in an aircraft.

Aircraft fueling vehicle means any vehicle used for the transportation, delivery, and dispensing of Aircraft Fuel.

Aircraft movement area means the runways, taxiways, and other areas of the airport utilized for taxiing, hover taxiing, air taxiing, and takeoff or landing of aircraft, exclusive of loading ramps, maintenance ramps and parking areas.

Airline means a commercial operator offering air transportation, and subject to regulations by the FAA in accordance with Federal Aviation Regulations.

Airman means an individual

- a) in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way;
- b) except to the extent the Administrator of the FAA may provide otherwise for individuals employed outside the United States, who is directly in charge of inspecting, maintaining, overhauling, or repairing aircraft, aircraft engines, propellers, or appliances; or
- c) who serves as an aircraft dispatcher or air traffic control-tower operator.

Airplane design group means a FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:

- a) Group I: Up to but not including 49 feet
- b) Group II: 49 feet up to but not including 79 feet
- c) Group III: 79 feet up to but not including 118 feet
- d) Group IV: 118 feet up to but not including 171 feet

- e) Group V: 171 feet up to but not including 214 feet
- f) Group VI: 214 feet up to but not including 262 feet

Airport means the Las Cruces International Airport and all of the area, buildings, facilities, and improvements within the exterior boundaries of such airport as it now exists, or as it may hereafter be extended or enlarged.

Airport Advisory Board means the Board established by Section 2-496 of the Code of Ordinances of the City and is responsible for advising the City Council or making specific recommendations involving policy matters pertinent to the operation of the airport.

Airport Certification Manual means those local rules and standards required by United States Code of Federal Regulations, Title 14, Part 139.201 established by the Airport Manager and approved by the FAA, to directly supplement the requirements of Title 14, Part 139.

Airport Manager means the individual employed and authorized by the City to be the chief administrative officer of the Airport, or the person authorized by the Airport Manager to act for or on behalf of the Airport Manager, with respect to any particular matter.

Airport Layout Plan means the FAA approved and Airport adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and Airport depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, nav aids, etc. and proposed allocation of Airport land and/or improvements to specific uses and/or development.

Airport Operating Certificate means the certificate issued to the City by the FAA authorizing and requiring the City to operate the Airport in accordance with United States Code of Federal Regulations, Title 14, Part 139 and the Airport Certification Manual.

Airside means the part of an airport directly involved in the arrival and departure of aircraft, including runways, taxiways, aprons, and ramps.

Advisory Circular means a type of publication offered by the FAA to provide guidance for compliance with airworthiness regulations, pilot certification, operational standards, training standards, and any other rules within the 14 CFR Aeronautics and Space Title

Airport Compliance Manual means a document generated by the FAA that provides guidance to FAA personnel on interpreting and administering the continuing commitments *airport* sponsors make to the U.S. Government when they accept grants of federal funds or federal property for *airport* purposes.

City (when capitalized) means the City of Las Cruces, New Mexico, owner and operator of the Airport, acting by or through the City and/or any duly authorized employee, agent or instrumentality of the City of Las Cruces, New Mexico.

City Council means the legislative body that governs the City of Las Cruces, New Mexico.

Code of Federal Regulations (CFR) means the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the Federal Register by the executive departments and agencies of the federal government of the United States.

Commercial aeronautical activity means an Aeronautical Activity for commercial purposes. A Commercial aeronautical activity also includes any third party or contract employee engaged in the performance of an aeronautical activity for compensation or hire at the Airport who is not an employee of a Fixed Base Operator or a Specialized Aviation Service Operator. For purposes of this definition, "commercial purposes" is the

conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

The following services/activities commonly conducted on airports are Aeronautical Activities within this definition: charter operations, air cargo operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that, because of their direct relationship to the operation of an aircraft, can appropriately be regarded as an "Commercial Aeronautical Activity."

Commercial through-the-fence operation means an Operator or entity that provides Commercial aeronautical activities to the public on airport property for compensation or hire but is not a tenant on Airport property. Commercial through-the-fence operations require an agreement with the City.

Derelict means any aircraft that is not in a flyable condition, does not have a current certificate of air worthiness issued by the FAA, and is not in the process of actively being repaired, or has been abandoned by its registered owner.

Disabled means any aircraft that is unable to move under its own power or through the normal use of an appropriate tow tractor and tow bar.

FAA Federal Aviation Administration of the United States, the national authority with powers to regulate all aspects of civil aviation.

FAR means that portion of the United States Code commonly known as the Federal Aviation Regulations.

Firearm means any weapon or device, including a starter gun, flare gun or the like, which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any matching gun. The term "firearm" shall not include any non-functioning antique firearm.

Fixed-Base Operator (FBO) means an organization granted the right by an airport authority to operate at the airport and provide aeronautical services such as aircraft fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, and similar services.

Flying club means a non-commercial, non-profit, organization established for the sole purpose to promote flying, develop skills in aeronautics, including pilot training, navigation, and awareness and appreciation of aviation requirements and techniques solely to its members, their personal use and enjoyment. Aircraft owned by the flying club are vested in the name of the club or owners on a pro-rated share.

Fuel flowage fee means a fee paid to the City for each gallon of fuel distributed on the Airport.

Fuel storage area means any portion of the Airport designed temporarily or permanently by the City as an area in which aviation or motor vehicle fuel or any other type of fuel or fuel additive may be stored.

Fueling or fuel handling means the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from fuel storage tanks, aircraft, vehicles, or equipment.

General aviation means all phases of aviation other than military aviation, air cargo operations, and scheduled or non-scheduled commercial air carrier operations.

Ground service equipment means any ground based equipment utilized in the servicing of aircraft.

Lease means the written, contractual agreement between the City and an entity which is enforceable by law, wherein said agreement grants a concession or otherwise authorizes the conduct of certain activities.

Minimum standards means these Minimum Standards for Commercial Aeronautical Service Providers adopted by the City, as amended from time to time.

Operator means either a Fixed Base Operator, a Specialized Aviation Service Operator, or operator of an aircraft, as applicable, or the City, when performing a commercial aeronautical activity, unless the context clearly indicates another meaning.

Owner means the owner of either a Fixed Base Operation, a Specialized Aviation Service Operation, or an aircraft, as applicable, or the City, when owning a Commercial Aeronautical Activity, unless the context clearly indicates another meaning.

Personnel means persons who are employees of an Operator or who are contractually obligated to render services to the public on behalf of an Operator.

Rules and regulations means the policies, procedures, and regulations which are established and amended from time to time by the City, to govern the safe, orderly, and efficient use of the Airport.

Shall the word "shall" is always mandatory and not merely directory.

Specialized Aviation Service Operator (SASO) means a Commercial Aeronautical Activity or any entity that provides any one or more of the services listed in Section 8 of these Minimum Standards.

State (when capitalized) means the State of New Mexico.

Streetside means the accessible areas immediately adjacent to the Airport and outside of the perimeter fence.

Sublease means a written agreement, approved by the City, stating the terms and conditions under which a third party leases space from a lessee for the purpose of providing aeronautical services at the Airport.

TSA means the Transportation Security Administration or its successor agency.

Two-way radio means a two-way communication system operated by a non-governmental entity that provides communications between operators, pilots and Airport advisory information.

Weapon means any dirk, metallic knuckles, "slingshot", billy club, tear-gas gun, chemical gun or device, or any other device the principal function of which is to inflict bodily harm or severe discomfort.

Sec. 7.5-2. Authority of the City.

- a) The airport manager shall at all times have the authority to take those necessary and legal actions required to ensure compliance with the provisions of existing leases, licenses, permits, and other written agreements between the City and persons at the Airport.

- b) This ordinance, and those other published policies, rules or regulations established by the authority of the City council, which apply at the Airport.
- c) Those temporary restrictions established in accordance with a federal, state, or City-mandated activity or plan, or as may be required to safeguard people, aircraft, equipment or property at the Airport.
- d) Those responsibilities levied on the City by the federal or state governments in regards to Airport management.
- e) The City council may establish by resolution those fees and charges and those terms and conditions it deems appropriate and applicable to Airport use, in accordance with federal, state and local regulations.

Sec. 7.5-3. Compliance.

All person(s) shall conduct any activity, upon, within, or from the Airport in conformity with these Rules and Regulations and all applicable federal, state, and local laws, and regulations.

Sec. 7.5-4. Agreements required for exclusive uses.

- a) Any person wishing the exclusive use of any parcel of land on the Airport, or of any City-owned or operated facility must enter into a written lease agreement with the City council specifying the terms and conditions of such use. The City council may establish standard terms and conditions for such agreements by resolution, and may delegate by resolution the authority to execute and terminate such standardized agreements.
- b) The Airport manager may authorize an interim or emergency agreement with appropriate public agencies to occupy or use City-owned improvements and infrastructure. Examples of situations that may be suitable for such authorizations are military or law enforcement activities, and the temporary occupation of airport areas by government agencies during natural disasters, or aircraft accident investigations.

Sec. 7.5-5. Required reports and documentation.

- a) All users of the Airport shall submit to the Airport manager any report or reports or information regarding their operations at the Airport when and as required by the City council.
- b) All persons on the Airport shall maintain records in accordance with the appropriate federal, state, and/or local regulations.
- c) All persons on the Airport shall provide, upon request by a City Law Enforcement Officer or Codes Enforcement Officer, proofs of compliance with the provisions of this ordinance. Such proofs include, but are not limited to:
 - 1) Business registration or license with the City.
 - 2) Insurance as required by this chapter.
 - 3) Permits issued by the U.S. Environmental Protection Agency or the state environment department for activities on the airport which involve fuels, oils, lubricants, chemicals, and/or other potentially hazardous substances, if such permitting is required by those agencies.

- 4) FAA certificate of aircraft registration, or other reasonable documentation of aircraft ownership.
- 5) Non-discriminatory lists of prices and service charges by commercial operators.

Sec. 7.5-6. Enforcement and penalties.

- a) The City and Airport Manager reserve the right to take any actions they deem necessary or appropriate in the event of any violation of this Ordinance including, but not limited to, prohibiting or restricting the use of Airport and its facilities by the person committing such violation. For any contingencies not specifically covered by these Rules and Regulations, the Airport Manager is authorized to make such rules and render such decisions as may seem proper.
- b) Any person or persons who fail to leave the Airport or specified area thereof, or any person or persons who knowingly or willfully violate these rules and regulations or who refuse to comply therewith, after proper request to do so by the Airport Manager or another authorized representative of the City shall be subject to removal from and denial of access to the Airport for such period of time as may be specified by the Airport Manager.
- c) Persons holding leases or operating agreements with the City may also have their contract privileges terminated for such violations. Furthermore, such person shall be regarded as a trespasser upon Airport property and subject to civil and/or criminal charges for violations to other Federal, State, or local laws and regulations.

Sec. 7.5-7. Appeal process.

- a) A person found in violation of the rules and regulations contained in this chapter or any order or directive of the airport manager related thereto may appeal such finding, order, or directive by submitting a written request for appeal to the Assistant City Manager (ACM). The request for appeal must be submitted to the airport manager within 10 calendar days of being duly notified of such violation. The request for appeal shall contain (A) a statement specifying the grounds for the appeal together with all material facts in support of the appeal, and (B) the signature of the appellant and a verification as to the truth of the matter stated in the appeal.
- b) The ACM shall, as soon as practicable, but no longer than 30 days after receipt of the appeal, schedule a meeting on the appeal with the appellant and an attorney from the City's Legal Department. The appellant shall receive at least five days' notice of the meeting date, time, and location. Upon conclusion of the meeting, the ACM shall either uphold or deny the appeal and shall issue a written notice setting forth the reasons for the decision. The decision shall be served upon the appellant by the ACM within seven days of the hearing and shall be final.

Sec. 7.5-8. Severability.

Should any paragraph or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of any other Ordinance hereunder.

Secs. 7.5-9 – 7.5-15. Reserved.

Article II. RULES AND REGULATIONS.

Sec. 7.5-16. Purpose and scope.

- a) The purpose of these Rules and Regulations, initially adopted by the City of Las Cruces, New Mexico, City Council (hereafter, the "City"), is to protect the public health, safety, interest, and general welfare of the Las Cruces International Airport (hereafter, the "Airport").
- b) These Rules and Regulations are intended to restrict or prevent any activity or action that would interfere with the safe, orderly, and efficient use of the Airport by its operators, tenants, passengers, and users.
- c) These Rules and Regulations are subordinate to applicable federal, state, and local rules and regulations and shall in no way supersede or abrogate regulations set forth in the FAA's 14 CFR Part 139, Certification of Airports, and FAA Order 5190-6B, Airport Compliance Manual.
- d) The policies and procedures issued by the City or its designated representative and are in addition to these Rules and Regulations. These documents are incorporated into these Rules and Regulations by reference.
- e) The Airport Manager shall maintain a complete list of these documents and make available to any requestor a PDF of these documents.
- f) Applications to conduct activities on the Airport and associated approval requirements as referenced herein may be obtained from the Airport Manager.
- g) These Rules and Regulations may be supplemented, amended, or modified from time to time and in such manner by the City and to such extent as the City determines to be appropriate. The City may also issue policies and procedures, special rules, regulations, notices, memorandum, or directives when necessary.

Sec. 7.5-17. Applicability.

These Rules and Regulations apply to all users and tenants of the Airport. Any entry upon or use of the Airport with or without expressed permission is conditioned upon compliance with these Rules and Regulations. Entry upon the Airport by any person shall be deemed to constitute an agreement by such person to comply with these Rules and Regulations.

Sec. 7.5-18. Authority.

These Rules and Regulations are adopted under the authority of the City. The City specifically grants the Airport Manager the authority to operate, manage, maintain, and secure the Airport and to take such actions as may be necessary to enforce these Rules and Regulations as specified by the City of Las Cruces Municipal Code, and to take such actions as necessary for the emergency use of the Airport.

Sec. 7.5-19. Variance or waiver.

The Airport Manager may grant relief from the literal requirements of these Rules and Regulations when strict enforcement would result in practical difficulty or unnecessary hardship. Any such relief may be subject to reasonable conditions necessary to maintain safety of flight operations, fulfill the intent of the Rules and Regulations, and to protect the public interest.

Sec. 7.5-20. Required reports and documentation.

- a) All users of the Airport shall submit to the Airport Manager any report or reports of information regarding their operations at the Airport when and as required by the Airport Manager.
- b) All persons on the Airport shall provide proof of compliance with the provisions of these Rules and Regulations upon request by the Airport Manager or designee. Such proofs include, but are not limited to:
 - 1) Insurance as required by this Chapter;
 - 2) FAA certificate of aircraft registration, or other reasonable documentation of aircraft ownership.

Secs. 7.5-21 – 7.5-25. Reserved.

Sec. 7.5-26. General conduct.

- a) No person shall commit any disorderly, obscene, indecent, or unlawful act, or commit any nuisance on Airport property.
- b) No person shall possess an open container containing any alcoholic beverage nor consume any alcoholic beverage on any portion of the Airport accessible to the general public, except by written permission issued by the City Council of Las Cruces.
- c) No person shall illegally use, possess, sell, or distribute controlled substances (i.e. drugs, narcotics, or alcohol) on the Airport.
- d) No person shall engage in gambling or gaming activity, or aid in or abet the conduct of gambling in any form, on Airport property.
- e) All posted signs, fences, and barricades prohibiting entry upon the Airport or governing the activities and demeanor of the public shall be observed and obeyed at all times.
- f) No person(s) or in association with others, shall prevent any other person(s) lawfully entitled from the use and enjoyment of the Airport and its facilities or prevent any other person or persons lawfully entitled from moving from place to place on the Airport.
- g) No person, while on Airport property, shall conduct any activities in such a manner as to cause littering or any other form of environmental pollution.
- h) No liquids shall be placed in storm drains or systems which results in water pollution upon having passed through such drain or system.
- i) Fuel discharge, created when fuel sumps are discharged during pre-flight inspections, shall be deposited in designated containers and not spilled onto the pavement or ground.
- j) No person shall cause any smoke, dust, fumes, gaseous matter or any other matter to be blown or emitted into the atmosphere, except normal emissions from internal combustion engines.
- k) Except for flushable waste generated and disposed of in Airport lavatories, biohazard waste (e.g. vomit bags, used needles or sharp objects, or any other object contaminated by exposure to bodily fluids) shall be placed in a marked "Biohazard" bag and shall be properly disposed. Needles and other sharp objects shall be capped or contained before being placed in a biohazard bag.

- l) Unless otherwise provided in a lease or other agreement, no person shall use any area of the airport for the storage of property without written permission of the Airport Manager.
- m) No tenant or lessee on the Airport shall store or stock material or equipment in such a manner so as to constitute a hazard to personnel or property.
- n) Spitting on, marking, or defacing the floors, walls, or other surfaces of the Airport is prohibited.
- o) Use of the public area of any building or area of the Airport for sleeping or other purposes in lieu of hotel, motel, or other public accommodation is prohibited. During instances of extreme weather conditions or other severe situations, exceptions may be approved by the Airport Manager.

Sec. 7.5-27. Animals

- a) No animals (excluding Americans with Disabilities Act requirements and law enforcement) are allowed on the Airport unless being transferred or shipped or under the control of their owner or authorized person(s) by leash, harness, restraining straps, or cage.
- b) Owners or authorized person(s) are responsible for the immediate removal and proper disposal of animal waste.
- c) No person other than in the conduct of an official act shall hunt, pursue, trap, catch, injure or kill any animal on the Airport.
- d) No person shall feed or perform any other act to encourage the congregation of birds or other animals on the Airport.
- e) No person shall ride any animal on Airport property without prior written authorization of the Airport Manager.

Sec. 7.5-28. Commercial activity.

No person, organization, partnership, corporation firm, entity, or like organization shall occupy or rent space, nor conduct any business, commercial activity or enterprise, or other form of revenue producing activity on the Airport without first obtaining a written lease or written agreement and authorization from the Airport Manager, unless specifically acknowledged and waived in writing by the Airport Manager. Commercial aeronautical activities are governed by the Airport Minimum Standards.

Sec. 7.5-29. Firearms and weapons.

- a) Persons authorized by federal, state, and local laws, may carry or transport any firearm or weapon on the Airport. The firearm or weapon should be properly encased for shipment and not in the person's manual possession.
- b) No person shall discharge any firearm or weapon on or at the Airport except in the performance of official law enforcement duties requiring the discharge thereof.
- c) No person shall furnish, give, sell or trade any firearm or weapon on the Airport.

Sec. 7.5-30. Insurance requirements.

- a) Insurance requirements as required by the City shall be obtained by a Tenant and/or User prior to signing a lease or other types and forms of an agreement.
- b) Tenant and User shall annually provide the Airport Manager, without demand, a copy of the Certificate of Insurance from the insurance agent with proper endorsements, which identifies the airport as an additional named insured and certificate holder. (Appendix 1: Insurance Requirements Table)
- c) Tenant will notify City within three (3) business days of any change in insurance coverage, including cancellation of policy.

Sec. 7.5-31. Liability.

- a) Each Tenant and/or User shall procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance as required by the City.
- b) Each Tenant and/or User shall furnish evidence of compliance with the liability insurance requirements and shall supply to the City proper certification that such insurance is in force, prior to conducting any activities.
- c) Each Tenant and/or User shall furnish additional certification for approval to the City as evidence of any changes in insurance not less than ten (10) days prior to any such changes, if the change results in a reduction of coverage, and not more than five (5) days after such change if the change results in an increase in coverage.
- d) All insurance that the Tenant and/or User is required to carry and keep in force shall include the City named as an additional insured as well as a waiver of subrogation in favor of the City.
- e) The applicable insurance coverage shall be in force during the period of any construction of the Tenant and/or User's facilities.

Sec. 7.5-32. Lost and found property.

- a) Any person finding lost or abandoned items or articles in the public areas of the Airport shall contact the Airport Manager's Office and deposit or leave said articles/property therewith.
- b) Nothing in this paragraph shall be construed to deny any right of Airport tenants to maintain lost and found services for property of their patrons, invitees or employees.
- c) Any luggage or other articles left unattended or deemed to be suspicious may be removed by authorized personnel and may be damaged or destroyed in the process.

Sec. 7.5-33. Preservation of property

- a) No person shall destroy, injure, damage, deface, disturb or tamper with any building, vehicle, sign, equipment, landscaping, fixture or any other structure or property on the Airport.
- b) 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/operator.
- c) Any property destroyed, injured, damaged or defaced by the negligence or willful conduct of any person shall be responsible for such destruction, injury or damage.

Sec. 7.5-34. Signage and advertisements.

No person or entity shall post, distribute, or display signs, advertisements, circulars, handbills, or printed or written matter at the public areas of the Airport except as approved by the Airport Manager and is in accordance with City Code.

Sec. 7.5-35. Smoking prohibition.

- a) No person shall smoke within 50 feet of any aircraft, fuel facility, or fuel truck, nor on an aircraft parking ramp.
- b) No person shall smoke in any public building or within 50 feet of the entrances to any public buildings in accordance with City Code, or at any other location through which public movement may be anticipated, or at any other place where the Airport Manager specifically prohibits smoking.

Sec. 7.5-36. Storage of equipment or property.

Storage of equipment or property not used for aviation or other approved operations or activity on the Airport shall be in accordance with Airport Hangar guidelines, or specifically provided for by lease or other contractual agreement.

Sec. 7.5-37. Trash.

- a) Dumping of trash and waste on Airport property is strictly prohibited.
- b) Garbage, trash, papers, refuse, used oils or chemicals or other material shall not be placed, discharged, or deposited on the Airport except in receptacles provided specifically for that purpose.
- c) The Airport Manager shall designate areas that shall be used for garbage receptacles and no other areas shall be utilized. Such areas shall be kept clean and sanitary at all times.
- d) Trash and other waste containers supplied by the City, for the Airport shall not be utilized for the disposal of household trash or any other trash brought from outside of the airport.
- e) No person shall dispose of any fill, building materials, or similar waste materials on Airport property except as approved in writing by the Airport Manager.

Sec. 7.5-38. Weeds and other nuisances.

All tenants and lessees shall maintain their leased area in compliance with Las Cruces Municipal Code Chapter 18 – Nuisances.

Secs. 7.5-39 – 7.5-50. Reserved.

Sec. 7.5-51. Aircraft license requirements

- a) Only aircraft and airmen certified by the FAA shall operate on or from the Airport.

- b) This restriction shall not apply to aircraft owned or operated by the Federal Government or the aircraft licensed by Foreign Governments having a reciprocal agreement with the United States covering the operation of the aircraft in the United States.
- c) All Ultralight Vehicle operations are to be conducted in accordance with FAA Advisory Circular Part 103 and must adhere to established airport traffic patterns and procedures.

Sec. 7.5-52. Control of the airfield.

- a) The Airport Manager shall have the right at any time to the invoke the actions below when an activity or operation is not in compliance with FAA regulations, and the Airport Manager considers such action necessary to avoid endangering persons or property, and to be consistent with the safe, proper operation of the Airport:
 - 1) to close the Airport in its entirety or any portion thereof to air traffic;
 - 2) to delay or restrict any flight or other aircraft operation, to refuse takeoff permission to aircraft;
 - 3) to deny the use of the Airport or any portion thereof to any aircraft, or to any individual or group not within FAA compliance.
- b) In the event the Airport Manager determines the condition of the Airport or any part thereof to be unsafe for taxiing, landings or takeoffs, the Airport Manager shall issue, or cause to be issued, a Notice to Airmen (NOTAM) closing the Airport or any part thereof.

Sec. 7.5-53. Disabled and derelict aircraft and parts.

- a) A disabled or derelict aircraft is defined as a damaged or un-airworthy, complete or partial airplane, airframe, or aircraft parts, residing on the airport property, and stored outside a hangar, or approved storage area.
- b) Any owner, lessee, operator or other person having the control, or the right of control, of any disabled aircraft on the Airport shall be responsible for the prompt removal from the movement area and disposal thereof, and any and all parts thereof, subject, however, to any requirements of or direction by the NTSB, the FAA, or the Airport Manager that such removal or disposal be delayed pending an investigation of an accident.
- c) Any owner, lessee, operator or other person having control, or the right of control, of any aircraft does by use of the Airport, agree, and consent, notwithstanding any provision in any lease, agreement, or other instrument to the contrary, that the Airport Manager may take any and all necessary action to effect the prompt removal or disposal of disabled or derelict aircraft that obstruct any part of the Airport utilized for Aircraft operations.
- d) Any costs incurred by or on behalf of the City for any removal or disposal of any aircraft shall be paid to the City by the owner/operator. Any claim for compensation against the City, and any of their officers, agents or employees, for any and all loss or damage sustained to any such disabled aircraft, or any part thereof, by reason of any such removal or disposal is waived. The City may issue a lien to satisfy any costs or charges against said aircraft or property.
- e) The owner, lessee, operator or other person having control, or the right of control, of disabled or derelict aircraft shall indemnify, hold harmless and defend the City, and all of their officers,

agents and employees, against any and all liability for injury to or the death of any person, or for any injury to any property arising out of such removal for disposal of said aircraft.

- f) No person shall store or retain aircraft parts or components being held as inventory anywhere on the Airport, other than in an enclosed hangar, authorized facility, or in a manner approved in writing by the Airport Manager.
- g) Owners and operators are permitted to store any parts necessary for their aircraft, so long as it does not become a hazard or safety issue.
- h) The Airport Manager may issue a written Waiver of Storage to the owner of a disabled or derelict airplane or parts for a period not to exceed 180 calendar days if the outside storage is considered to be safe and of a non-hazardous nature.

Sec. 7.5-54. Certified flight instructor and student pilot responsibilities.

- a) Flight Instructors (CFI's) shall fully acquaint their students with these Rules and Regulations and shall be responsible for the conduct of the students under their direction during dual instruction.
- b) When a student is operating an aircraft independent of an instructor, it shall be the student's sole responsibility to observe and abide by these Rules and Regulations.

Sec. 7.5-55. Starting or running of aircraft engines.

- a) No person shall start or run an aircraft engine unless a qualified, certified pilot or mechanic is attending the aircraft controls and only in the locations designated for such purposes by the Airport Manager.
- b) No aircraft engine shall be started without appropriate fire extinguisher equipment readily available.
- c) Aircraft engines shall not be operated in such position that person, structures or property may be endangered by the path of the aircraft propeller slip-stream, jet blast or rotor-wash.

Sec. 7.5-56. Aircraft, outside parking and storage.

- a) All Aircraft shall be parked only in those areas designated for such purpose by the Airport Manager and shall not be positioned in such a manner to block a runway, taxiway, taxi lane, or obstruct access to hangars, parked aircraft, and/or parked vehicles or emergency vehicles.
- b) All aircraft shall be chocked, tied down or otherwise secured in accordance with best practices, in such a manner that ensures that the aircraft will not move during high wind conditions or adverse weather.
- c) Unless otherwise provided in an Agreement with the Airport or authorized FBO, no person shall use any area of the Airport for the parking and storage of Aircraft, other than transient parking, and in no event shall said storage be for a period greater than thirty days. In both cases, prior written permission of the Airport Manager may be granted in exceptional cases.
- d) Should a person use such areas for aircraft parking or storage without first obtaining the prior written permission of the Airport Manager, the Airport Manager may remove and

store the aircraft at the expense of the aircraft operator without liability for damage that may arise from or out of such removal or storage.

Sec. 7.5-57. Abandonment of disabled or derelict aircraft.

- a) No person shall park or store any aircraft in non-flyable condition on Airport property, outside a hangar or sunshade, including leased premises, for a period over thirty (30) days, without written approval from the Airport Manager.
- b) Non-flyable aircraft may be stored in a hangar or sunshade.
- c) Whenever any aircraft is parked, stored or left in non-flyable condition on the Airport in violation of the provisions of this section A, the Airport Manager shall notify the owner or operator thereof by certified mail, requiring removal of said aircraft within ninety (90) days of receipt of such notice.
- d) If the owner or operator is unknown, cannot be found or certified mail is returned, the Airport Manager shall conspicuously post and affix such notice to the said aircraft, requiring removal of said aircraft within thirty (30) days from date of posting.
- e) Upon the failure of the owner or operator of said aircraft to remove the aircraft within the period provided, the Airport Manager shall have the authority remove the aircraft from the Airport. All costs incurred by the City in the removal of any aircraft as set forth herein shall be recoverable against the owner or operator thereof. The City may issue a lien to satisfy any costs or charges against said aircraft or property.

Sec. 7.5-58. Securing aircraft.

No person shall leave an aircraft unattended on any area of the Airport, including leased premises, unless properly secured. Securing of aircraft shall be the sole responsibility of the owner and/or operator of the aircraft.

Sec. 7.5-59. Taxiing into or out of hangars.

- a) Aircraft engines shall not be operated in any hangar.
- b) No aircraft shall be taxied into or out of a hangar under its own power.

Sec. 7.5-60. Access to airport operations area (AOA).

- a) Only the Airport Manager may grant, in writing unescorted access to the AOA.
- b) Granting of access to a particular work area does not give any person(s) the privilege of unrestricted use of the space within the airfield boundary fence.
- c) Access privileges are confined to the times and areas required for the purpose access is granted.

Sec. 7.5-61. Self-servicing of aircraft.

- a) Aircraft Tenants and Operators are permitted to fuel, wash, repair, or otherwise service their own based Aircraft provided there is not an attempt to perform such services for others for compensation, and further provided that such right is conditioned upon

compliance with these Rules and Regulations and all other applicable regulatory measures.

- b) An aircraft owner or operator may hire an individual as an employee to provide, under the direction and supervision of the aircraft owner or operator, services on the said aircraft. Such services may only be provided by an employee of the aircraft operator utilizing the equipment of the aircraft operator.

Sec. 7.5-62. Careless or negligent aircraft operation.

- a) No person shall operate an aircraft on an aircraft parking and storage area, public landing area, taxiway, or public apron in a careless or negligent manner or in disregard of the rights and safety of others.
- b) No aircraft shall be taxied or towed on any area, other than areas normally used for the operation of aircraft, without the express prior written approval of the Airport Manager.

Sec. 7.5-63. Rotorcraft operations.

- a) Except in emergencies, no landing or take-off of rotorcraft shall be made except on designated Airport runways, taxiways, or aprons, without express written permission from the Airport Manager.
- b) Except in emergencies, rotorcraft shall follow established air traffic patterns, unless the owner/operator receives prior written approval of the Airport Manager.

Sec. 7.5-64. Aerial spraying, crop dusting and fire suppression operations.

- a) No person shall conduct aerial spraying, crop dusting, or fire-suppression operations from any part of the Airport without prior written approval of the Airport Manager.
- b) The Airport Manager will assign a specific area, if available, from where to conduct the above operations. The operator shall demonstrate that the storage and handling of toxic chemicals, the methods for washing aircraft and their chemical tanks, and the procedures established for recovering, storing and disposing of the contaminated wash water shall be in accordance with Federal, State and local laws and regulations.
- c) Spillage of any such materials on Airport grounds or pavement shall be reported immediately to the Airport Manager. The operator shall be fully liable for the mitigation and removal of said materials and the restoration of grounds or pavements damaged by the spillage.
- d) The handling of materials shall further be governed by the provisions of Section 6, as applicable, of these Rules and Regulations.

Sec. 7.5-65. Flying clubs.

- a) Non-profit flying clubs and organizations shall enter into a written agreement with the City prior to basing offices, facilities, personnel, or aircraft at the Airport. Such agreement shall include those terms and conditions under which the club or organization may operate and certify in writing that it will comply at all times with the Airport Rules and Regulations established by the City for flying clubs.

- b) Since non-profit flying clubs are not commercial aeronautical activities serving the public they shall be exempt from the Airport Minimum Standards upon satisfactory fulfillment of the conditions contained herein.
- c) Non-profit flying clubs may not offer or conduct commercial aeronautical services or activities.
- d) Non-profit flying clubs may not conduct aircraft flight instruction, except for regular members, and provided that such instruction is offered by a registered club member, qualified as a flight instructor as set forth in the Airport Minimum Standards.
- e) Non-profit flying clubs shall not offer any goods or services whatsoever to any person other than another member of the same club. However, educational services, such as aircraft orientation flights, may be provided to the general public, at cost, and non-profit clubs may sell or exchange capital equipment and/or facilities with non-club members.
- f) Flying clubs shall comply with all applicable federal, state, and local statutes, rules and regulations.

Sec. 7.5-66. Other aeronautical activities.

- a) Operation of Ultralight Vehicles into the airport traffic area and their landing, parking, and take-off, shall comply with FAA 14 CFR Part 103.
- b) The Airport Manager has the authority to approve/disapprove in writing, requests for use of airport facilities for hot air balloon launches, model aircraft launches, kite flights, air shows/special events, fly-ins, and Unmanned Aerial Vehicles (UAVs), and parachute drops when the parachute landing zone is on the Airport property.
- c) Operation of these aeronautical activities shall require proof of event insurance in the amount and form required by the City.

Sec. 7.5-67. Catalog of based aircraft.

- a) Catalog information of based aircraft shall be updated annually with the Airport Manager by the aircraft owners/operators and shall include, but not be limited to, the following:
 - 1) Hangar or storage location,
 - 2) Aircraft make,
 - 3) Model,
 - 4) N-Number or Registration Number,
 - 5) Gross Takeoff Operating Weight,
 - 6) Aircraft Owner Name, Address, E-mail, and Phone Number.
 - 7) Emergency contact phone number other than the owner
- b) Based aircraft owners and operators shall have a tie-down or hangar agreement with either the Airport, hangar owner, or an authorized FBO.

Secs. 7.5-68 – 7.5-80. Reserved.

Sec. 7.5-81. Vehicle operations, general.

- a) The driver of any motor vehicle (LCMC 27-12-1-40), except emergency vehicles, operating on paved or unpaved taxiways, runways, aprons, FAA-designated safety and restricted areas, roads and public parking lots of the Airport, shall be subject to the provisions of this Ordinance and the City traffic code.
- b) No person may operate a motor vehicle on the airside of the Airport, or within the area bordered by the perimeter road, unless:
 - 1) the person has had appropriate training by the Airport Manager; and
 - 2) such operation is required in association with an authorized aeronautical activity; and
 - 3) reasonable access to the aeronautical activity site is not otherwise possible.
- c) No driver(s) shall use the runways, taxiways, safety areas, or aprons to travel on the airfield when safe travel can be accomplished using gates and street side surface streets.
- d) Waivers to this provision may be approved in writing by the Airport Manager.
- e) All operators of vehicles on the airside of the Airport shall follow the provisions of the FAA-approved Airport Certification Manual and 14 CFR Part 139.
- f) Each person passing through a manual gate on the Airport shall close and secure the gate immediately after passing through.
- g) Each person passing through a gate shall immediately report any inoperable gate or damaged fencing to the Airport Manager.
- h) Each person shall ensure any automatic gates are closed after passing through them.
- i) Airside airport traffic speed limit is 10 miles per hour.
- j) Aircraft always have Right-of-Way over all other vehicles, except emergency vehicles
- k) No vehicle shall be left unattended upon any runway or taxiway, or within any safety area or FAA-designated instrument landing system critical area, unless the associated runway, taxiway or instrument approach procedure is closed by a Notice to Airmen.
- l) Drivers shall drive with caution sufficient to prevent collision with an aircraft or obstruction to a pilot's normal progress in the course of the legal operation of an aircraft.
- m) Driver shall use the vehicle's roof mounted yellow flashing beacon, or flashers whenever driving across the ramp or apron areas.
- n) Unless specifically permitted to do so by the aircraft's operator or owner in that specific instance, no person shall:
 - 1) Operate a motor vehicle within 100 feet of a stationary aircraft with an engine running or anti-collision beacon on;
 - 2) Overtake or otherwise operate a motor vehicle within 200 feet of a taxiing aircraft;
 - 3) Obstruct the normal operations of any aircraft in such a way as to make the pilot of that aircraft take evasive action to prevent an accident, or in such a way as to cause an accident.
- o) When parking on the airside, drivers shall park motor vehicles with the engine turned off (unless required for aircraft servicing), the transmission placed in "park" (or left in gear

with the engine off if equipped with a manual transmission), and the parking brake set, or the vehicle chocked.

- p) Drivers shall not park a motor vehicle on the airport other than to assist in the loading, unloading, servicing or maintenance of an adjacent aircraft, or to conduct authorized Airport infrastructure maintenance. Exceptions are only for those areas designated for motor vehicle parking by the Airport Manager or the leaseholder of the parcel upon which the vehicle is parked.
- q) In all cases, Aircraft Rescue and Fire Fighting vehicles have the right-of way.
- r) All airport users are required to participate in the City-sponsored airport operations safety orientation within 5 days beginning use of the airport. Contact the Airport Manager to schedule this training.

Sec. 7.5-82. Authorization to move vehicles.

The Airport Manager has the discretion to remove or cause to be removed at the owner's expense from any secured area, any roadway or right-of-way, or any other area on the Airport any vehicle which is disabled, abandoned, or illegally or improperly parked, or which creates a safety, security, or operations problem. The City shall not be liable for damage to any vehicle or loss of personal property which might result from the act of removal.

Sec. 7.5-83. Pedestrians.

Pedestrians in marked crosswalks shall have the right-of-way at all times over vehicular traffic.

Sec. 7.5-84. Motorcycles and bicycles.

Every person riding a motorcycle or bicycle upon a public access Airport roadway shall be granted all rights and shall be subject to all duties made applicable to the driver of a motor vehicle.

Sec. 7.5-85. Motorized ground equipment around aircraft.

No person shall park motorized ground equipment near any aircraft in such a manner so as to prevent it or the other ground equipment from being readily driven or towed away from the aircraft in case of an emergency.

Sec. 7.5-86. Operating motor vehicles in hangars.

No person shall operate a motor vehicle in any hangar while occupied by aircraft unless its exhaust is protected by spark arresting screens or baffles, as recommended by NFPA 407.

Sec. 7.5-87. Security and access.

All persons authorized to access the airfield shall not share their access code, card, or other security method with another person whether or not that person is authorized to access the airfield.

Sec. 7.5-88. Commercial vehicle operator procedures.

All individuals, partnerships and corporations operating commercial delivery vehicles, and limousines, taxicabs, or buses on the Airport for the purpose of transporting cargo, person(s), or passengers for hire shall do so in accordance with these Rules and Regulations, City Code, and all other applicable State and City laws.

Secs. 7.5-89 – 7.5-100. Reserved.

Sec. 7.5-101. Fueling, general. (For detailed instructions, see the Airport Fueling Guidelines.)

- A. Only personnel trained in the safe operation of the equipment being used and in the required procedure, shall fuel aircraft.
- B. Refueling, defueling, and fuel storage on the Airport, including associated equipment, shall conform to all applicable federal, state, and local laws, regulations, and policies.

Sec. 7.5-102. Fueling training

All personnel engaged in commercial fueling shall be trained in accordance with Federal regulations and the Airport Certification Manual. Records of training and qualifications of those persons engaged in fueling operations shall be maintained as required by Federal regulation. Training records shall be provided annually without demand to the Airport Manager.

Sec. 7.5-103. Self-fueling

Self-fueling is permitted on the Airport in designated areas. Person(s) conducting self-fueling on the Airport shall comply with all applicable federal, state, and local codes and regulations.

Sec. 7.5-104. Fuel storage tanks

No person shall install, maintain, or permit to be installed a fuel storage tank without a written agreement from the Airport Manager. All approved tanks shall be installed and maintained in accordance with all federal, state, and local laws, regulations, and policies. All fuel storage tanks on the Airport shall be registered with the appropriate governing bodies.

Secs. 7.5-105 – 7.5-110. Reserved.

Sec. 7.5-111. Fire safety and environmental hazards applicability and compliance.

- a) All persons, companies, and agencies engaged in any activity at the Airport, whether occupying Airport owned buildings or otherwise, shall comply with all applicable federal, state, and local fire regulations.
- b) Tenants shall keep on hand and make available to the Airport Manager a Material Safety Data Sheet (MSDS) for all hazardous materials stored.

Sec. 7.5-112. Flammable solids and liquids

The use and storage of all flammable materials (solid and liquids) shall be in compliance with the New Mexico Statutes and Annotations, the International Fire Code, the Airport's Storm Water Pollution Prevention Plan and other Rules and Regulations included herein.

Sec. 7.5-113. Fire extinguisher and equipment

- a) The tenant of any hangar or building on the Airport shall be responsible for the furnishing and maintenance of adequate first aid and fire equipment meeting the minimum requirements of applicable local, State or Federal regulations.
- b) All extinguishers and other such equipment shall be inspected annually as required by State and City.
- c) Fueling vehicles designed for the transport and transfer of fuel shall carry on board at least two (2) 20# B-C fire extinguishers, located on each side of the vehicle. Extinguishers shall conform to applicable NFPA Standards.
- d) Fire extinguishing equipment at the Airport shall not be tampered with at any time nor used for any purpose other than firefighting or fire prevention. All such equipment shall be maintained in accordance with the standards of the NFPA. Tags showing the date of the last inspection shall be attached to each unit or records acceptable to Fire Underwriters shall be kept showing the status of such equipment.
- e) All fire doors and other fire prevention apparatus shall always be accessible and unobstructed.

Sec. 7.5-114. Open flames.

- a) No person shall initiate or maintain any uncontrolled fire of any type.
- b) Every person observing any unattended or uncontrolled fire on Airport premises shall immediately report it directly to 911 and the Airport Manager, or designee. The Airport Manager may then contact Station 7 directly to confirm emergency needs.
- c) Propane and natural gas grills are only approved for use outside of hangars or other facilities.

Sec. 7.5-115. Use of flammable materials

- A. No person shall smoke, use matches, lighters, or other means of kindling fire in any hangar, shop, room or building on the Airport.
- B. Smoking shall be restricted except in designated smoking areas.

Sec. 7.5-116. Discharge of combustible liquids

No tenant, shipper, individual, or other entity shall permit or cause to be permitted the discharge of flammable or combustible liquids or any waste liquid containing crude petroleum or its products into or upon any street, highway, drainage canal or ditch, storm drain, flood control channel, waterway, or the ground on the Airport.

Sec. 7.5-117. Heating equipment

All heating equipment and fuel burning appliances installed on the Airport shall be listed by an appropriate testing agency for its intended use and shall comply with the requirements of the Uniform Mechanical Code and the applicable standards of the National Fire Protection Association.

Sec. 7.5-118. Prohibited wastewater discharge

- a) No person shall cause the discharge of any polluted water into the storm sewers or into watercourses that traverse the Airport.
- b) Persons who allow contaminants to enter the storm water system, either intentionally or unintentionally shall be liable for the cleanup of such spill and any fines levied.
- c) No person shall increase the use of processed water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with pollutant specific limitations developed by the City.

Sec. 7.5-119. Duty to notify

- a) Primary responsibility for prevention and cleanup of spills rests with the tenant, aircraft operator, FBO, person(s) or other entity causing the spill.
- b) Persons involved with any hazardous material or chemical spill, regardless of the size or amount, shall immediately notify the Airport Manager. Notifications should include the type of material spilled, amount, time, location, if contained, and other pertinent information available.
- c) If any claim, demand, action or notice is made against the person regarding the person's failure or alleged failure to comply with any environmental laws, the person shall immediately notify the Airport Manager and within twenty-four (24) hours submit a written report to the Airport Manager, shall provide copies of any written claims, demands, actions or notices so made.

Sec. 7.5-120. Powder activated tools

No person shall use explosive cartridge-activated tools or fastening devices anywhere on the Airport without prior written authorization of the Airport Manager.

Secs. 7.5-121 – 7.5-140. Reserved.

Article III – MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL SERVICE PROVIDERS

Sec. 7.5-141. General statement of policy compliance.

- a) The City of Las Cruces, City Council, recognizing the need to protect the public health, safety, and to foster the economic and orderly development of Commercial, Aeronautical Operations at the Las Cruces International Airport, hereby promulgates and adopts the following procedures and minimum standards for the use of any land or facility on said Airport.
- b) These Minimum Standards for Commercial Aeronautical Activities were written in accordance with FAA's Airport Compliance Manual 5190.6B, issued 9/30/2009, as well as applicable Las Cruces Municipal Codes and Ordinances, as amended.
- c) The Airport is a publicly owned and operated Airport, and is subject to certain Federal obligations:
 - 1) To operate in a financially self-sufficient manner and to make available to any persons, firms, or corporations the opportunity to engage in Commercial Aeronautical Activities at the Airport that satisfy a demonstrable need and that meet the Minimum Standards as established, adopted, and revised from time to time by the City.
 - 2) It shall be the policy of the City that any person, firm, or corporation wishing to provide Aeronautical Services to the public or conduct special Commercial Aeronautical Activities as defined herein at the Airport shall be given equal opportunity to compete without unjust discrimination for use of available Airport facilities pursuant to FAA Airport Improvement Program (AIP) Grant Assurance 22 *Economic Nondiscrimination*.
 - 3) The City has established these Minimum Standards for the Airport with the intent of providing fair and reasonable rules to govern the conduct of Commercial Aeronautical Activity on the Airport.
- d) The City may make revisions and amendments to these Minimum Standards when business conditions at the Airport necessitate it, or when necessary to comply with FAA, Transportation Security Administration (TSA), or other governmental regulations.
- e) Notwithstanding the provisions herein, each Commercial Operator shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations.
- f) Any Commercial Aeronautical Activities not addressed in the Minimum Standards are to be addressed by the City on a case-by-case basis in the Operator's written Lease or Agreement.
- g) Except as permitted by federal law or FAA policy, nothing herein shall be construed to grant or otherwise authorize the granting of an exclusive right to provide any aeronautical service to the public or to conduct any Aeronautical Activity on the Airport.
- h) For purposes of these Minimum Standards, an exclusive right is a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right.
- i) It is the intent of the City to enforce these Minimum Standards in a consistent, uniform, and fair manner to accomplish the City's goals and promote successful commercial

business operations at the Airport. The Airport Manager is responsible for and is hereby empowered and authorized to enforce these Minimum Standards.

- j) Operators shall comply with the Airport Rules and Regulations, applicable federal, state, and local laws, and all regulations, orders, certificates or Permits as required by FAA, TSA, the Environmental Protection Agency, local fire regulations, and any other Federal, State, or local agencies and successors having jurisdiction over the Airport and the activities at the Airport, as may change from time to time.

Sec. 7.5-142. Business operator activities.

Subject to applicable orders, certificates, or Permits of the FAA or its successor, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for a revenue-producing Commercial Aeronautical Activity to serve the public, who has not first complied with these Minimum Standards and the Rules and Regulations of the Airport and entered into a written Agreement or lease from the City.

Sec. 7.5-143. General requirements for commercial operations.

- a) Operators shall meet the requirements of this section as well as the standards applicable to the Operator's specific activities at the Airport.
- b) Each prospective Operator shall demonstrate, at the request of the city, that the business and employees, as applicable, are properly certificated, licensed, and credentialed in accordance with local, state, and federal requirements to provide the proposed Commercial Aeronautical Activity in a safe, secure, and professional manner.
- c) At the request of the city, a prospective Operator shall provide evidence in the form of a business plan summary to demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry on the business.
- d) Waste Removal: In accordance with LCMC Chapter 18 - Nuisances, all Operators shall provide for the adequate and sanitary handling and disposal of all trash, waste, and other materials, including, but not limited to used oil, solvents, and other waste. The piling or external storage of crates, boxes, barrels, containers and surplus property will not be permitted within the leased premises.
- e) Each Operator shall, at its sole expense, provide and maintain all equipment and facilities to conduct its business.
- f) Each Operator shall furnish adequate facilities and services to meet all reasonable demands on a fair, reasonable, and nondiscriminatory basis to all users of the Airport who wish to avail themselves of the Operator's services.
- g) It shall maintain and operate its business in a safe and professional manner, in accordance with federal, State and City regulations.
- h) Each Operator shall lease or construct a building or buildings that shall provide sufficient, adequate, and properly lighted and heated space for work areas, and office spaces, storage, and a public waiting area, if needed, in accordance with section 1-K.
- i) In accordance with City ordinance, the facility must include access to ADA compliant indoor restroom facilities or public restrooms

- j) No building, structure, tie-downs, ramps, paving, taxi areas, or other improvements or additions to the Airport shall be altered, removed, placed, or constructed on the Airport without the written prior approval of the City.
- k) Remodeling, or construction of any new Airport facilities shall comply with all Federal, State, Local ordinances and building codes.
- l) In the event of any new construction, the City may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition.
- m) The Construction Industries Division of the State of New Mexico shall approve and permit all plans and specifications prior to any remodeling or construction.
- n) A notice of proposed construction as required by FAA's 14 CFR Part 77, (Objects Affecting Navigable Airspace) is to be prepared by the Operator and submitted to the Airport Manager for FAA coordination and approval.
- o) Each Operator shall provide properly certificated, rated and/or trained personnel to carry out their assigned duties for each service provided. Multiple responsibilities may be assigned to personnel to meet the requirement set forth herein.
- p) Each Operator shall procure, maintain, and pay premiums, during the term of the Agreement, for the types of insurance as required by the City.
- q) Each Operator shall furnish evidence of compliance with the liability insurance requirements below and shall supply to the City proper certification that such insurance is in force, prior to conducting any business activities. (see Appendix 1, Insurance requirements)
- r) Each Operator shall furnish additional certification for approval to the City as evidence of any changes in insurance not less than ten days prior to any such changes, if the change results in a reduction of coverage, and not more than five days after such change if the change results in an increase in coverage.
- s) Where more than one Aeronautical Service is proposed, the minimum limits shall vary, depending upon the nature of individual services, but shall not necessarily be cumulative in all instances.
- t) For example, if three (3) business activities are chosen, it would not be necessary for the Operator to carry insurance policies providing the combined total of the minimum limits for each type of operation; however, if one of the selected activities required passenger liability coverage or hangar keeper's liability not required in either of the other two categories, the Operator would be required to provide insurance to meet the applicable exposures.
- u) As a further example, the minimum limit of property damage on a combination of activities would be the highest minimum limit stated in the grouping chosen. Because of these variables, the applicable minimum insurance coverage on combinations of services shall be discussed with the prospective Operator following the submission of the application.
- v) All insurance that the Operator is required to carry and keep in force shall include the officers, agents, and employees of the City named as an additional insured as well as a provide a waiver of subrogation in favor of the City.
- w) The applicable insurance coverage shall be in force during the period of any construction of the Operator's facilities and/or prior to Operator's entry upon the Airport for the conduct of business.

- x) Each Operator shall furnish evidence of compliance with the applicable law with respect to applicable workmen's compensation and unemployment insurance requirements.
- y) Each Operator shall protect, defend, and hold the City and its employees, agents, and contractors harmless from and against all liabilities, losses, suits, claims, judgments, fines, or demands, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to Operator's use of Airport facilities, including use or occupancy of its premises or relating to its premises, including the injury or death of any person or damage to any property, any environmental matter, (including but not limited to expert, investigation, and/or remediation costs and expenses of any site remediation), any other acts or omissions of Operator's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death, damage, or other liability may occur, unless such injury, death, damage, or other liability is caused by the sole negligence of the City, its agents, employees, tenants, or contractors.
- z) The City will consider commercial through-the-fence operations wherein an aircraft service provider's premises, is physically outside the airport and provides services on and off the airport, if it is best the interest of the City, and is able to meet all applicable Federal State and local regulations, as determined by the Airport Manager.
- aa) Each Operator shall pay all fees associated with their operation at the Airport and as defined in the City's Airport Rates and Charges.

Sec. 7.5-144. Application to conduct business.

- a) The application shall be made to the City for permission to carry on any Commercial Aeronautical Activity at the Airport.
- b) An application to conduct business is available from the Airport Manager. Three (3), complete printed and signed, or electronic, and digitally signed applications, as set forth herein, shall be delivered to the office of the Airport Manager.
- c) The application shall be in writing and in sufficient detail to discern the complete qualifications of the applicant to perform the proposed Commercial Aeronautical Activity and shall include, as a minimum, the following:
 - 1) A description of the proposed business activity including:
 - 2) The name, addresses, electronic mail address, and telephone number of the applicant.
 - 3) A detailed description of the proposed Commercial Aeronautical Activity including the proposed date of commencement of the services and proposed hours of operation.
 - 4) The proposed amount, size, and location of the land and/or facilities to be leased.
 - 5) Descriptions and general cost estimates of any proposed capital improvements for the proposed site.
 - 6) The proposed number and type of aircraft to be based, if applicable.
 - 7) The proposed number of persons to be initially employed.
 - 8) A letter of intent listing the types and amounts of insurance coverage to be maintained for the proposed operation to show compliance with the city's insurance requirements.

- d) The City may ask for additional information in evaluating the applicant's ability to provide responsible, safe, and adequate service to the public.
- e) If applicable, a statement indicating past experience in providing the specified services proposed to be offered at the Airport, including references from up to three (3) individuals familiar with the applicant's ability to perform such services.
- f) The application shall be signed and submitted by the owner of the business, if a sole proprietorship; every partner if a partnership; principles of a liability company (LLC); and the President or CEO if a corporation.
- g) The applicant shall agree to provide any additional information and material necessary or requested by the City to establish to the satisfaction of the City that the applicant can qualify and shall comply with these Minimum Standards.

Sec. 7.5-145. Action on an application to conduct business.

- a) After an application has been completed and supporting documents submitted to the Airport Manager in accordance with Section 4, the application shall be reviewed for regulatory compliance first by the Airport Manager, then submitted to the Director of Economic Development or designee for approval or rejection within 15 calendar days.
- b) In all cases the City shall promptly and respectfully communicate a written response to the applicant within 30 calendar days of the application submission.
- c) The City may at their discretion, submit in writing a Request For Information. Upon receipt of the additional documents the Airport Manager may set a reasonable revised approval deadline.
- d) The City may deny any application if, in its sole opinion, it finds any one or more of the following:
 - 1) The applicant does not meet the qualifications, standards, and requirements established by these Minimum Standards.
 - 2) The applicant's proposed operation or construction will create a documentable safety hazard on the Airport.
 - 3) The granting of the application will require the City to spend funds, supply labor or materials in connection with the proposed operation.
 - 4) The development or construction on the Airport necessary to accommodate the proposed business is incompatible with the FAA-approved Airport Layout Plan for the Airport.
 - 5) The applicant has either intentionally or unintentionally misrepresented or omitted any pertinent information in the application or in supporting documents.
 - 6) The applicant has a documented record of violating the Rules and Regulations of the Airport or of any other airport, FAA regulations, or any other federal, State, or local statutes, laws, rules, or regulations.
 - 7) The applicant has defaulted in the performance of any lease or any other agreement with the City.

- 8) The applicant does not, in the opinion of the City's financial expert, exhibit adequate financial responsibility to undertake the project based upon financial information provided.

Sec. 7.5-146. Airport employee safety training.

All FBO and SASO employees are required to participate in a City-sponsored airport operations safety orientation within 5 calendar days of starting employment. Notify the Airport Manager to schedule training for new employees.

Sec. 7.5-147. Fixed base operators (FBO).

Each FBO shall meet or exceed the following minimum requirements:

- a) Scope of Services
 - 1) An FBO is an Operator that has entered into a written Lease or Agreement authorizing and enabling it to engage in the sale of aeronautical products, services, and facilities required in accordance with this Section, or (ii) the City when it provides the services of an FBO.
 - 2) Only FBOs shall be permitted to provide commercial aircraft fueling services.
 - 3) Retail aircraft fueling services may be provided by FBOs or other authorized Specialized Aviation Fuel Providers (SAFP). SAFPs shall only offer fuels not offered by an FBO at the time of the SAFPs operator submitting their complete business application. SAFPs operator shall follow all applicable federal, state, and local laws, regulations, and policies.
 - 4) An FBO shall provide all the services required in this section.
- b) Each FBO shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations and the following Minimum Standards.
- c) Airplane Design Group Serviceability: Minimum Airplane Design Group aircraft to be supported by an FBO shall be Group I.
- d) Manager, Staffing, and Employee Training and Qualifications
 - 1) Select and appoint a full-time manager for its operation at the Airport. Such manager shall be vested with full power and authority to act in the name of the FBO with respect to the method, manner, and safety of the services to be performed hereunder.
 - 2) Such manager shall be available at the Airport during regular business hours, and during the manager's absence, a duly authorized and qualified designee shall be in charge of the FBO and be on the FBO Premises at the Airport.
 - 3) Provide, at its sole expense, a sufficient number of employees to effectively and efficiently provide the services herein authorized. During the required hours of operation, employ and have on duty sufficient staff to meet the Minimum Standards for each Commercial Aeronautical Activity provided.

- 4) Multiple responsibilities may be assigned to employees where feasible. Provide to the Airport Manager a current written list of the employee names, telephone numbers, and any other point of contact information for all personnel responsible for the operation and management of the FBO.
 - 5) In addition, provide the Airport Manager at least two (2), Emergency point-of-contact with phone numbers for emergency response situations.
 - 6) Ensure all aircraft Fuel Handling Personnel are trained in the safe and proper handling, dispensing, and storage of Aircraft Fuel. Acceptable training shall be an FAA approved safety training course in accordance with FAA Advisory Circular 150/5230-4 and the National Air Transportation Association (NATA) "Safety First" Program or equivalent training program acceptable to the City.
 - 7) All training records and qualifications shall be provided without demand to the City in accordance with 14 CFR Part 139.321.
- e) Hours of Operation
- 1) The FBO is required to be open for business and provide aircraft fueling and aircraft line services for a duration sufficient to serve the demands of customers operating at the airport.
 - 2) Generally, this will require coverage nine (9) hours a day, seven (7) days a week, except as when necessitated by weather, business or emergency conditions override. Exceptions to these minimum operating hours may be granted by the Airport Manager for certain holidays, or when special circumstances, conditions, or events warrant a reduction in operating hours.
 - 3) After-Hours On-Call: Provide within a reasonable period of time (not greater than one hour) staffing on a call-back basis to address after-hour requests for service from customers.
- f) Required FBO Premises
- 1) The proposed FBO premises shall comprise sufficient Airport land for the co-location of aircraft parking and servicing, a public use terminal building, automobile parking, hangar(s), aviation fuel storage area and tanks, and related structures and improvements thereon as more fully described below:
 - 2) A public-use terminal building with street side access of sufficient space to include properly lighted, heated, and air-conditioned space to support the following services and activities;
 - 3) A convenient, comfortably furnished, public lobby waiting area with adjoining ADA compliant public restroom facilities;
 - 4) A customer service counter area equipped with:
 - i. Two-way radio equipment to facilitate airborne customer requests
 - ii. Credit card transaction equipment capable of accepting one or more national bank and major oil company credit cards for fueling, line, and related services.
 - 5) A discrete flight planning work area properly equipped with:
 - i. appropriate aviation wall charts

- ii. an FAA issued Airport Information Manual
 - iii. a "Notice to Airmen" board
 - iv. Computer with flight service station, and weather service communication links.
- 6) A discrete snack food and beverage concession area offering adequate seating and tables, equipment to dispense a selection of hot and cold beverages and pre-packaged snacks
 - 7) Complimentary wireless public internet access (Wi-Fi).
 - 8) A secure hangar of adequate dimensions to accommodate storage of at least one Airplane Design Group-I aircraft.
 - 9) An aircraft apron comprised of sufficient paved area for parking, tie-down, and maneuvering of 20 aircraft, constructed to engineering standards for the current Airplane Design group aircraft (C-I) at the Airport as defined in the existing Airport Layout Plan.
 - 10) Provide or lease a Fuel Storage Area compliant with all federal, state, and local regulations and polices and capable of storing a sufficient amount of aviation fuel for each type of fuel provided, in a location approved by the Airport Manager
 - 11) Work with the Airport manager to designate customer and employee parking spaces.
- g) Required FBO Services: Provide, at a minimum, the following services at the Airport:
- 1) Aircraft Storage: Provide a hangar of adequate dimensions to accommodate storage of Airplane Design Group-I aircraft
 - 2) Provide necessary line service including, but not limited to, equipment, supplies, and trained personnel for apron assistance as set forth below. Equipment shall be sufficient to facilitate the handling of Airplane Design Group-I aircraft, (This service cannot be contracted unless otherwise noted.)
 - 3) During normal business hours, provide line services as follows:
 - i. Aircraft marshaling, ramp parking, and tie-down assistance, including ramp personnel and vehicles as appropriate;
 - ii. Aircraft towing services capable of moving up to the type of aircraft set forth above, or the contracted arrangements therefore;
 - iii. Equipment for inflating of aircraft tires;
 - iv. Mobile ground power assistance capable of servicing the type of aircraft set forth above.
 - 4) On behalf of the City, collect all City-approved aircraft landing fees and other charges from commercial aircraft owners and operators as the same may be regularly established from time to time by the City for commercial aircraft landing at the Airport.
- h) Provide the sale and into-plane delivery of common and recognized brands of Aircraft Fuel, lubricants and other aviation petroleum products.
- i) Provide, store, and dispense FAA approved aviation fuels in sufficient types and quantities to meet the needs of the operations at the Airport.

- j) Provide and supply fuel spill kits on the premises for use in the event of a release or discharge of fuel onto paved services of the Airport.
- k) If providing fuels other than common and recognized brands, FBO shall follow all applicable federal, state, and local regulations and policies governing storage, handling, and dispensing said fuels.
- l) Pay a fuel flowage fee as the same may be regularly established from time to time by the City for all aircraft fuels sold at the Airport.
- m) The FBO shall follow the City-approved fuel storage area and tanks operations and maintenance guidelines. Refer to the following documents, as amended, and Authorities Having Jurisdiction below governing aircraft fuel storage, handling, training and dispensing on airports:
 - 1) FAA AC-150-5230-4B 9-28-12, Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports
 - 2) FAA 14 CFR 139.321, Handling and storing of hazardous substances and materials
 - 3) NFPA 407, Standard for Aircraft Fuel Servicing
 - 4) NATA: Refueling and Quality Control Procedures
 - 5) ASTM MAN-5 Aviation Fuel Quality Control Procedures
 - 6) City of Las Cruces, Fire Marshall/AHJ
 - 7) State of New Mexico Environmental Department
- n) As authorized by the Airport Manager, provide on its own or by contract with a qualified third party, sufficient equipment and trained personnel to remove disabled aircraft from the Aircraft Operations and/or Movement Areas in a safe and timely manner.
- o) Have available suitable tractors, tow bars, jacks, dollies, and other equipment as needed to move Airplane Design Group-I aircraft, and contract services for aircraft designated Group-II or greater.
- p) The aircraft owner/operator shall be responsible for compensating the FBO for any and all associated costs to address and remove the disabled aircraft.
- q) An FBO may also provide either directly, or by contract with a third-party Specialized Aviation Service Operator (SASO), upon prior written approval from Airport Manager, one or more of the following Commercial Aeronautical Activities:
 - 1) Aircraft Storage;
 - 2) Aircraft Rental;
 - 3) Flight Instruction;
 - 4) Aircraft Airframe and Engine Maintenance and Repair;
 - 5) Aircraft Charter and Commercial Operator services.
- r) An FBO providing additional services, either directly or through a City approved sub-lessee or contractor arrangement, shall comply with the Minimum Standards for the listed SASOs.

Sec. 7.5-148. Specialized aviation service operators (SASO).

Specialized Aviation Service Operators (SASOs) shall consist of one or more of the following services and activities and shall comply with the Minimum Standards described in this Section.

- a) Aircraft airframe and engine maintenance, repair, and overhaul (MRO).
 - 1) Scope of Service: An aircraft and airframe engine maintenance, repair, and overhaul Operator is a person or persons, firm, or corporation providing one or a combination of airframe and power plant overhaul and repair services.
 - 2) This category of Aeronautical Service also includes the sale of aircraft parts and accessories.
 - 3) Operator's premises shall include:
 - i. Sufficient space meeting City local code requirements to accommodate a hangar, shop, equipment, and parts storage space as needed to conduct business.
 - ii. Adequate space for offices, ADA compliant public restrooms, and a customer waiting area, (if applicable).
 - iii. Work with the Airport manager to designate customer and employee parking spaces.
 - iv. A paved aircraft parking ramp with taxiway access, sufficient for the temporary parking of aircraft, (if providing airframes services).
 - v. Comply with all FAA regulations as they apply to the type of work being performed, parts utilized, and certifications required as an approved repair station.
 - vi. Employ and have on duty during the appropriate business hours, not less than one person who possesses the appropriate FAA certificate(s) for the work being performed as set forth in this category of services.
- b) Aircraft charter and commercial operator.
 - 1) Scope of Service: An Air Charter Operator is a non-transient Operator who engages in the business of providing air transportation (persons or property) to the general public for hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135, and is based at the Airport.
 - 2) Operator shall provide, either owned or under a written lease, the type, class, size, and number of aircraft intended to be used by the Operator. Aircraft shall meet all FAA and other Federal requirements of the commercial certificate held by the Operator.
 - 3) Premises shall include adequate space for offices, public restrooms, a customer lounge that meets city code requirements,
 - 4) Work with the Airport manager to designate customer and employee parking spaces.
 - 5) Operator shall have in its employ trained personnel in such numbers as required to meet FAA regulations.
 - 6) Pay required airport fees in accordance city approved fee schedule.
- c) Aircraft Storage.

- 1) Scope of Service: An Aircraft Storage operation is a business operated by a person, firm or corporation engaged in the construction, rental and leasing of conventional and/or T-type hangars, and tie-down areas to the general flying public.
 - 2) Construct buildings in accordance with design, zoning, and construction standards required by the FAA and established by the City and the CID for the facility or activity involved.
 - 3) Work with the Airport manager to designate customer and employee parking spaces.
 - 4) The lease of City-owned Airport property to an entity for the purpose of constructing and/or occupying a hangar for the non-commercial storage of aircraft is not considered a commercial aeronautical activity, and is not subject to these minimum standards. Premises are not to be used for any business or purpose other than that authorized by the City.
- d) Flight training.
- 1) Scope of Service: A Flight Training Operator is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo operation of aircraft and providing such related ground school instruction as is necessary for taking a written examination and flight examination for the FAA category or categories of pilots' licenses and ratings involved.
 - 2) Operator's premises shall include adequate office space, classroom, and a flight planning area with equipment, and ADA compliant public restrooms
 - 3) Designate at least two (2) aircraft tie-down spaces for Airplane Design Group-I aircraft, (if applicable),
 - 4) Work with the Airport Manager to designate customer and employee parking spaces.
 - 5) Have available for use in flight training, either owned or underwritten lease at least one (1) aircraft properly certificated to handle the proposed scope of the flight training operation.
 - 6) Employ or contract at least one (1) flight instructor who has been properly certificated by the FAA to provide the type of training offered.
- e) Aircraft rental.
- 1) Scope of Service: An Aircraft Rental Operator is a person or persons, firm, or corporation engaged in the rental of aircraft.
 - 2) Operator's premises shall include adequate office space, ADA compliant public restrooms, and sufficient aircraft storage or tie-down space for the Airplanes to be rented.
 - 3) Work with the Airport manager to designate customer and employee parking spaces.
 - 4) Have available for rental, either owned or underwritten lease to Operator, at least one (1), FAA airworthy aircraft.
 - 5) Employ and have on duty during business hours, as a minimum, one (1) person staffing the office. Personnel shall be trained to meet the Minimum Standards in an efficient manner to dispatch the rented aircraft.
- f) Aircraft sales (new and/or used).

- 1) Scope of Service: An Aircraft Sales Operator is a person engaged in the sale of new and/or used aircraft through franchises, or licensed dealerships or distributorships (either on a retail or wholesale basis) or independent of an aircraft manufacturer and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by said Operator.
 - 2) Operator's premises shall include adequate office space, lounge, ADA compliant public restrooms, and aircraft tie-down spaces sufficient to safely secure its inventory.
 - 3) If Operator utilizes a hangar that can store Operator's entire fleet, no paved tie-downs are required.
 - 4) Work with the Airport manager to designate customer and employee parking spaces.
 - 5) Provide necessary and satisfactory arrangements for the repair and servicing of aircraft, for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with another Operator at the Airport.
 - 6) Employ and have on duty trained personnel during operating hours.
 - 7) If demonstration flights are offered, employ one (1) person having a current pilot certificate with appropriate ratings for the operation being conducted.
- g) Aircraft repair (propeller, avionics, upholstery, restoration, accessories, etc.).
- 1) Scope of Service: A Specialized Aircraft Repair Services Operator is a person or persons, firm, or corporation engaged in the business of, but not limited to: repairing aircraft propellers, avionics, instruments, upholstery, restoration services, and/or sale of new/used parts and accessories for general aviation aircraft.
 - 2) Operator's premises shall include: adequate space meeting local code requirements for repair and shop activities, aircraft parking, equipment, and parts storage for services offered.
 - 3) Adequate space for offices, ADA compliant public restrooms, and a customer lounge if applicable.
 - 4) Work with the Airport Manager to designate customer and employee parking spaces.
 - 5) Obtain and maintain, as a minimum, the repair station certificates required by FAA, that are applicable to the operation or operations proposed.
 - 6) Employ and have on duty during operating hours, trained personnel who meet the requirements of the appropriate FAA repairman certification, if applicable.
 - 7) The Operator may furnish one or, if desired, any combination of the services listed above.
- h) Air ambulance.
- 1) Scope of Service: An Air Ambulance Operator is a FAA-certified person or persons, firm, or corporation engaged in the business of providing a fixed and/or rotary wing aircraft as well as trained pilots and medical professionals capable of offering medical care and air transportation to sick or injured persons.
 - 2) Operator's premises shall include: sufficient space meeting FAA and local code requirements for storage of aircraft, if applicable;

- 3) Adequate space for offices, living quarters, ADA compliant bathrooms, equipment storage for the number of staff proposed;
 - 4) Work with the Airport Manager to designate customer and employee parking spaces.
 - 5) Sufficient air-side paved parking area to accommodate an ambulance type ground vehicle
 - 6) A paved aircraft parking ramp, with taxiway access, sufficient for the parking and maneuvering of the aircraft to be utilized by Operator.
 - 7) Provide a physician, registered nurse or emergency medical technician on an "on-duty" basis, as may be required for individual cases.
 - 8) Provide one pilot with appropriate FAA certificates on duty full time during normal business hours. Back-up pilots shall be on call during other hours.
 - 9) Provide at least one Aircraft, designed and equipped to transport medical patients.
- i) Air cargo operators.
- 1) Scope of Service: An air cargo operator, is a person or persons, firm, or corporation not based at the Airport but engaged in the business of providing air cargo transportation for hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135.
 - 2) Operator shall make suitable written arrangements with the City, for use of aircraft parking apron and access to such aircraft parking apron space and other premises, as is necessary for the safe and secure transfer of cargo to and from their aircraft.
 - 3) Such arrangements shall be made with a Fixed Base Operator or through an agreement with the Airport. Any agreement shall be approved by the City.
 - 4) Have and maintain at any time while conducting flight and ground operations at the Airport, proper FAA licenses and certificates, and shall operate in conformance with all appropriate FAA regulations.
 - 5) Hold a proper FAA Commercial Operator certificate and own or have available to it under written lease no fewer than (one) 1 single-engine aircraft equipped for and capable of use under instrument condition that meet the requirements 14 CFR Parts 119 and 135.
 - 6) Have available sufficient qualified operating crews and a satisfactory number of ground support personnel and equipment for the safe and secure transfer of cargo.
 - 7) Pay the required landing fees as required per the Airport's City approved fee schedule.
- j) Commercial flying services.
- 1) Scope of Service: A Commercial flying services operator is a person or persons, firm or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for any of the activities listed below:
 - i. Non-stop sightseeing flights that begin and end at the same airport within a 25-mile radius of the Airport.
 - ii. Aerial application: crop-dusting, seeding, spraying, bird chasing, fish spotting, etc.
 - iii. Banner towing and aerial advertising.

- iv. Aerial photography or survey.
 - v. Fire Fighting.
 - vi. Power Line or pipeline patrol.
 - vii. Any other operations specifically excluded from 14 CFR Part 135.
- 2) Operator's premises shall include adequate space and/or land area to meet the requirements of the proposed operation at the Airport subject to the approval of the City.
 - 3) Provide, either owned or underwritten lease to the Operator, at least one (1) aircraft which shall be airworthy; meeting all the requirements of the FAA and applicable regulations of the State with respect to the type of proposed operations to be performed.
 - 4) Comply with all applicable federal, state, and local laws and regulations.
 - 5) Maintain adequate written records to show compliance with said regulations and make the records available to the City or their representatives for inspection in a reasonable and timely manner.
 - 6) Employ trained personnel to operate and manage the business in accordance with these Minimum Standards.
 - 7) All flight crews shall meet all applicable FAA regulations pertaining to the type of flights conducted.
- k) Flying clubs
- 1) The FAA recognizes most flying clubs to be 501-c7 non-profit or not-for-profit entities.
 - 2) Non-Profit Flying clubs are allowed to operate at federally obligated airports in accordance with FAA Compliance Manual Order 5190.6B section 10.6 (a).
 - 3) Non-Profit Flying clubs are not allowed to provide commercial services to the public and, therefore, are not subject to these Minimum Standards.
 - 4) All Flying clubs must comply with all Airport Rules and Regulations.
- l) Specialized aviation fuel provider (SAFP)
- Each SAFP shall meet or exceed the following minimum requirements:
- 1) Scope of Service: A specialized aviation fuel provider is a person or persons, firm or corporation engaged in providing fuel for aircraft based on the provisions of Article III, Section 7.5-146.a.2.
 - 2) An SAFP shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations and the following Minimum Standards.
 - 3) Manager, Staffing, and Employee Training and Qualifications
 - i. Select and appoint a manager for its operation at the Airport. Such manager shall be vested with full power and authority to act in the name of the SAFP with respect to the method, manner, and safety of the services to be performed hereunder.

- ii. Such manager shall be available upon request. During the manager's absence, a duly authorized and qualified designee shall oversee the SAFP.
 - iii. In addition, provide the Airport Manager at least two (2), Emergency point-of-contact with phone numbers for emergency response situations.
 - iv. SAFP shall follow all applicable federal, state, and local regulations and policies governing storage, handling, and dispensing aviation fuels.
 - v. If the SAFP chooses to hire additional staff, ensure all aircraft Fuel Handling Personnel are trained in the safe and proper handling, dispensing, and storage of Aircraft Fuel. Acceptable training shall be an FAA-approved safety training course in accordance with FAA Advisory Circular 150/5230-4 and the National Air Transportation Association (NATA) "Safety First" Program or equivalent training program acceptable to the City.
 - vi. All training records and qualifications shall be provided without demand to the City in accordance with 14 CFR Part 139.321.
- 4) The proposed SAFP premises shall comprise sufficient airport land for the aviation fuel storage area and tanks, and related structures and improvements thereon as more fully described below:
- i. Credit card transaction equipment capable of accepting one or more national bank and major oil company credit cards for fueling, line, and related services
 - ii. An aircraft apron comprised of sufficient paved area for parking and fueling and constructed to engineering standards for the current Airplane Design group aircraft (C-I) at the Airport as defined in the existing Airport Layout Plan.
 - iii. If applicable, provide or lease a fuel storage area compliant with all federal, state, and local regulations and polices and capable of storing a sufficient amount of aviation fuel for each type of fuel provided, in a location approved by the Airport Manager;
 - iv. Work with the Airport manager to designate customer and employee parking spaces, if needed.
- 5) Store and provide the sale and into-plane delivery (if applicable) of alternative and approved brands and types of Aircraft Fuel in sufficient quantities to meet the needs of the operations at the Airport.
- 6) Provide and supply fuel spill kits on the premises for use in the event of a release or discharge of fuel onto paved services of the Airport.
- 7) Pay a fuel flowage fee as the same may be regularly established from time to time by the City for all aircraft fuels sold at the Airport.
- 8) The SAFP shall follow the City-approved fuel storage area and tanks operations and maintenance guidelines. Refer to the following documents, as amended, and Authorities Having Jurisdiction below governing aircraft fuel storage, handling, training and dispensing on airports:
- i. FAA AC-150-5230-4B 9-28-12, Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports

- ii. FAA 14 CFR 139.321, Handling and storing of hazardous substances and materials
 - iii. NFPA 407, Standard for Aircraft Fuel Servicing
 - iv. NATA: Refueling and Quality Control Procedures
 - v. ASTM MAN-5 Aviation Fuel Quality Control Procedures
 - vi. City of Las Cruces, Fire Marshall/AHJ
 - vii. State of New Mexico Environmental Department
- m) Other.
- 1) Other SASOs may include, but not be limited to, restaurants, air cargo ground facilities, aerospace research and development facilities, and other aviation/aerospace related and/or support facilities.
 - 2) An SASO shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations and the following Minimum Standards.

Sec. 7.5-149. Waivers of minimum standards.

- a) The Airport Manager may, in his/her sole discretion, may issue a written waiver for all or any portion of these Minimum Standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the aircraft industry or performing fire prevention or fire-fighting operations.
- b) The Airport Manager also may waive any of these Minimum Standards for non-governmental or non-profit applicants when it deems such waiver to be in the best interest of the Airport and the public and shall not result in unjust discrimination against similarly situated aeronautical users and/or service providers at the Airport.
- c) Consistency with FAA AIP grant assurances and the FAA Airport Revenue Use Policy is to be considered by the City when reviewing a possible waiver of all or any portion of these Minimum Standards.

Sec. 7.5-150. Written agreement.

- A. Prior to the commencement of any construction or operation, the Operator shall enter into a written Lease or Agreement with the City, as the case may be, which shall set forth the terms and conditions under which the Operator shall conduct its business at the Airport.
- B. The Lease or Agreement shall include all provisions required by law and obligations placed upon the City by all federal and State agencies and any other contracting provisions deemed necessary by the City.

Sec. 7.5-151. FAA required lease provisions.

- a) Each lease shall contain the following provisions regarding subordination, emergency leasing to the United States, and non-discrimination. The language for these provisions is as follows:

- 1) Lease Subordinate to Agreement between City and the United States: This lease is subject and subordinate to the terms, reservations, restrictions, and conditions of any existing or future agreements between the City and the United States, the execution of which has been or may be required as a condition precedent to the transfer of federal funds for the extension, expansion, or development of the Las Cruces International Airport. Should the effect of such agreement with the United States government be to take any of the property under lease or substantially destroy the commercial value of such improvements, City shall terminate this Lease.
 - 2) Emergency Lease to United States: During the times of war or National Emergency, City shall have the right to lease the landing area of the Airport, or any part of Las Cruces International Airport, thereof, to the United States Government for military or national use, and if any lease is executed, the provisions of this instrument insofar as they are inconsistent with the provision of the lease to the Government, shall be suspended.
 - 3) Government Use Without Charge: All facilities of the Airport developed with federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.
 - 4) Non-Discrimination: The Operator shall furnish all services authorized or licensed on a fair, equal, and not unjustly discriminatory basis to all users and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that it may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.
- b) The Operator for itself, its personal representatives, successors in interest, and assignees hereby agrees that:
- 1) They will comply with all federal, state, and local laws and ordinances and will not discriminate against any person on the basis of race, color, religion, gender, sexual preference, sexual orientation, national origin or ancestry, age, physical handicap or disability, as defined in the Americans with Disabilities Act of 1990, as currently enacted or hereafter amended.
 - 2) In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
 - 3) The premises are to be used in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.
 - 4) In the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease and re-enter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

Sec. 7.5-151. Existing operators doing business on the effective date of these minimum standards.

- a) Existing Leases or Agreements with existing Operators supersede these Minimum Standards, unless otherwise the Minimum Standards are included within the terms and conditions of said agreements.
- b) The exercise by an Operator of a term extension option that was negotiated and made part of its Lease or Agreement prior to the adoption of these Minimum Standards should not, by itself, trigger the requirement of these Minimum Standards.

Sec. 7.5-152 – 7.5-170. Reserved.

Sec. 7.5-171. Appendix 1, Insurance requirements.

Type of Insurance	Minimum Limits	When Needed
Workmen's compensation	Statutory	Statutory
Airport/General liability	\$1,000,000	For all commercial operators and general aviation tenants
Aircraft liability	\$1,000,000	For aircraft based at LRU or businesses operating aircraft
Builders Risk	Based on finished value	For City construction projects only
Property	Replacement value	Covers physical damage of City-owned and leased facilities on airport property
Automobile liability	\$250,000/\$500,000 bodily injury AND \$250,000 property damage OR \$1,000,000 single limit liability	Vehicles driven on the airport premises
Pollution/Environmental	Statutory	As required by federal and State regulations and standards

Sec. 7.5-172. Appendix 2 – Authorities Having Jurisdiction

- FAA Compliance Manual Order 5190.6B
- FAA AC-150/5230-4B 9-28-12, Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports
- FAA 14 CFR Part 77
- FAA 14 CFR Part 119
- FAA 14 CFR Part 135
- FAA 14 CFR Part 139
- FAA Airport Improvement Program Grant Assurances
- NFPA 407, Standard for Aircraft Fuel Servicing
- NATA: Refueling and Quality Control Procedures, rev: 2011
- ASTM MAN-5 Aviation Fuel Quality Control Procedures
- Las Cruces Municipal Code
- City of Las Cruces, Fire Marshall/AHJ
- State of New Mexico Environmental Department