

# **Marion Municipal Airport Marion, Indiana Airport Rules And Regulations**

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## A. PREFACE

### Section 1 – General Information

#### 1.1 Purpose

These airport Rules and Regulations have been adopted by the City of Marion Board Of Aviation Commissioners. The provisions of this document are intended for the safe, orderly and efficient operation of the Marion Municipal Airport, and apply only to the area within the airport.

#### 1.2 Scope

The airport is owned and operated by the City of Marion. All users, customers and visitors of the airport shall be governed by these Airport Rules and Regulations. Administration of the terms of the Airport Rules and Regulations shall be under the authority, responsibility and control of the airport manager. Policy making activities of the rules reside with the Marion Board of Aviation Commissioners. When an emergency exists at the airport, the airport manager is empowered to issue such directives and take such action as necessary to protect people, property and assets and promote the safe operation of the airport. Such directives and actions of the Airport Manager have the power of regulation as long as the emergency exists.

Nothing contained herein shall be construed to grant or authorize the granting of an exclusive right forbidden by Section 308 of the Federal Aviation Act of 1958 or for aeronautical activities including, but not limited to:

- A. Charter Operations
- B. Pilot Training
- C. Aircraft Rental
- D. Aerial Photography
- E. Crop Dusting
- F. Sale of Aviation Petroleum Products
- G. Air Carrier Operations
- H. Aircraft Sales and Service Incidental Thereto
- I. Any other activity which, because of ' its direct relationship to this operation of aircraft, can be regarded as an aeronautical activity.

These Rules and Regulations shall in no way supersede or abrogate regulations set forth in FAA FAR Part 139, "Certification and Operations of Airports." If any provision of these Rules and Regulations is held invalid, the remainder of the document shall be valid. Future amendments, additions, deletions or corrections to these Rules and Regulations will be incorporated into the document as required and as directed by the Marion Board of Aviation Commissioners.

#### 1.3 Definitions

1.3.1 **Air Recreation Vehicle:** Commonly referred to as an "ultralight," these aircraft are defined under FAA FAR Part 103. These vehicles will be expected to comply with these rules in a similar manner to that expected from an aircraft.

1.3.2 **Air Show:** Aviation activities on the airport or within the airport traffic area for the purpose of stunt flying, competition or demonstration for entertainment or promotion.

1.3.3 **Airport:** All land within the legal boundaries of the Marion Municipal Airport in Marion, Indiana, including leased land and easements. The airport will hereinafter be referred to as "the airport."

1.3.4 **Airport Manager:** A person hired by the City of Marion to manage the daily operations of the Marion Municipal Airport.

1.3.5 **Airport Owner:** The City of Marion represented by the duly elected Marion Board of Aviation Commissioners or their duly authorized representatives.

1.3.6 **Airport Operations Area (AOA):** Any area of the airport used for landing, takeoff or surface **maneuvering** of aircraft. The AOA is considered a restricted area and is off-limits to the general public.

1.3.7 **Authorized Emergency Vehicle:** Any vehicle operated by a governmental or emergency service such as law enforcement agencies, fire departments, the FAA, NTSB and ambulance companies.

1.3.8 **Aviation Related Activities:** Activities or services directly related to or necessitated by aircraft operation at or near the airport.

1.3.9 **Based Aircraft.** Any aircraft that is based at or operated from (including authorized through the fence operators) the airport for more than 50% of any month.

1.3.10 **Board:** The duly appointed Marion Board of Aviation Commissioners for the City of Marion.

1.3.11 **City:** The City of Marion, Indiana.

1.3.12 **Commercial Activity:** Any activity engaged in for profit, even if no actual profit results from the activity, including but not limited to aircraft sales, service, inspections, maintenance, fuel sales, painting, banner towing, flight training or other activity or work for which a fee is charged, either in money or other consideration. Not included is the sub-leasing of hanger space for storage of aircraft, or the enplaning or deplaning of fare paying passengers of an air taxi operator based at another airport.

1.3.13 **FAA:** This refers to the Federal Aviation Authority.

1.3.14 **Field Area:** All lands within and including the public apron, taxiways and runways and that area within the boundaries of the airport not under any FBO or hangar lease, which is used in general for the movement of aircraft including take-off and landing.

1.3.15 **Fire Chief:** Duly appointed Fire Chief of the City or his duly authorized appointee having authority for fire suppression, fire prevention and/or safety inspections at the airport.

1.3.16 **Flying Club:** Any group of individuals formed into an association or non-profit organization for the purpose of joint ownership and use of aircraft.

1.3.17 **Hangar, Corporate:** A building constructed for the purpose of providing a sheltered or enclosed space for the storage of corporate aircraft or parts, offices and/or

service facilities used in support of aircraft owned or operated by the corporation holding the hangar lease.

1.3.18 **Hangar, Maintenance:** A building constructed for the purpose of providing a sheltered or enclosed space for aircraft maintenance or inspection.

1.3.19 **Hangar, Owner:** A tenant that owns a hangar on leased ground within the airport boundary.

1.3.20 **Hangar, Operator:** A commercial tenant that operates a hangar or hangars for rent within the airport boundary. See Part C, Minimum Standards for Commercial Activities, for detailed requirements.

1.3.21 **Hangar, Storage** or "T" or Hail/Sun Shed: A building constructed for the purpose of providing a sheltered or enclosed space for the storage of aircraft or aircraft parts.

1.3.22 **Landside:** Public-accessible side.

1.3.23 **Minimum Standards.** The Minimum Standards adopted by the Board which govern commercial services offered or provided at the Airport.

1.3.24 **Motor Vehicle:** Any motorized vehicle designated for movement of goods or people upon the ground (excluding aircraft).

1.3.25 **Offsite Operator:** An individual or firm whose primary place of business is not located at or adjacent to airport property, but provides some form of general aircraft services such as maintenance, ground and flight instruction, aircraft sales or other aviation related services.

1.3.26 **Onsite Fixed Base Operator.** An individual, person or firm with a location on the Airport and provides some form of aviation services (FBO).

1.3.27 **Owner:** Any person, individual, partnership, corporation, association or entity holding legal title or other formal ownership of a motor vehicle, hangar lease, aircraft, or leaseback arrangement.

1.3.28 **Public Area:** All portions of the airport open to public use including roadways, sidewalks, lobby areas, parking areas, observation areas and other land where public access is authorized by the Board or by the airport manager.

1.3.29 **Skydiving:** Activity usually originating at the airport where individuals or groups are taken aloft near the airport for the purpose of jumping from an aircraft and free falling followed by opening a sport parachute at a safe altitude which provides the ability to land in a designated landing zone under relative control.

1.3.30 **Specialty Based Operator (SBO):** A commercial tenant that specializes in specific aviation services such as airframe and power plant repair, avionics and instrument repair and propeller repair but not fulfilling all the requirements of an FBO. See part C, Minimum Standards for Commercial Activities, for detailed requirements.

1.3.31 **Through-the-Fence Commercial Operator:** Any business which has access from outside the airport boundary by approved ingress/egress taxiways. Fees may be assessed for this activity by the Board.

1.3.32 **Through-the-Fence Private Operator:** Any aircraft based at the airport which gains access from outside the airport boundary by approved ingress/egress taxiways. Fees may be assessed for this activity by the Board .

1.3.33 **Weapons:** Any apparatus that will discharge a projectile.

## **B. GENERAL OPERATING RULES AND REGULATIONS**

### **Section 1 - Authority Of The City of Marion**

#### **1.1 Authority Over Operations**

1.1.1 Aeronautical activities concerning flight of aircraft to or from Marion Municipal Airport shall be conducted in conformity with all pertinent regulations established by the Federal Aviation Administration (FAA). Any violation of FAA regulations shall also be considered as a violation of the Airport Rules and Regulations for the airport.

1.1.2 The Board shall have sole authority to enforce these regulations, titled "Airport Rules and Regulations." This authority shall extend to control of leases, maintenance of grounds and facilities, operation of the airfield including landing areas, taxiing areas and public areas, inspection of all structures for compliance to these regulations, airport improvement, and aviation or non-aviation activities held upon the area owned or leased by the City of Marion.

1.1.3 All proposed construction, new or renovation of existing structures, shall be presented to the Board for review and comment prior to being reviewed by the Board Attorney for compliance with applicable federal, state and local requirements.

1.1.4 The Board may delegate authority to the Airport Manager to enforce any and all airport regulations. The Board President shall represent the Board in negotiations concerning leases or requests for construction or modification of structures; however, the Board has the final authority of all decisions.

1.1.5 The City has authority over building permits on the airport.

1.1.6 The airport manager has the authority to temporarily close the airport if he/she believes operations are unsafe for take-offs and landings. The manager should file a NOTAM with the Flight Service Station informing airmen of the unsafe condition, and cancel the NOTAM when the unsafe condition no longer exists. The Airport Manager shall attempt to notify the Board President or Vice President of such closure.

#### **1.2 Right of Entry**

1.2.1 The airport manager, fire chief or his designee, or other official as designated by the Board shall have reasonable right of entry into all areas of the airport, including all parts of all structures in the performance of his duties, for the purposes of enforcing these regulations. If entry is denied, the authorized representative shall have recourse to every remedy provided by law to secure entry.

1.2.2 No unauthorized motor vehicles will be operated on airport property, with the exception of areas designated for public parking.

#### **1.3 Construction, Alteration, and Maintenance**

1.3.1 No building or structure may be constructed or altered unless the owner has a valid lease with the Board. No construction or alteration of any structure, including permanent signs, may begin unless detailed plans and specifications are on file and have been approved by the City Plan Commission and the Board.

1.3.2 All leaseholders at the airport are required to keep their leased areas maintained, including repair of asphalt if paved, free of weeds and any non-aviation equipment or materials. Additionally, all buildings must be kept in repair. Determination of adequate maintenance is within the authority of the Board. Failure to keep the leased area and improvements maintained can void the lease, or cause the City to enter the area, correct the maintenance deficiency and charge the lessee the actual cost of corrective action, which must be paid within 60 days or the lease is subject to termination.

#### 1.4 Accident Reports

1.4.1 All motor vehicle accidents and crimes on airport property are to be reported to the Marion Police Department.

1.4.2 Any damage to or theft of airport property must be reported immediately to the airport manager.

1.4.3 All accidents and incidents as defined by the FAA shall be reported to the airport manager in addition to any accident reporting procedures required by the FAA or NTSB. Additionally, any minor accidents or incidents not requiring a report to the FAA or NTSB, but involving airport property must be reported to the airport manager within three days. If the accident or incident involves airport lighting or safety devices, the report must be made immediately so appropriate repairs may be made. Determination of liability for repair costs shall be within the authority of the City or its authorized representative.

#### 1.5 Liability and Insurance

1.5.1 The City assumes no responsibility or liability for any loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind or other natural causes, nor does the City assume any liability for injury to any person while on the airport property or while using any of the public or private facilities at the airport.

1.5.2 All activities and operations at the airport shall meet all applicable requirements of these regulations.

### **Section 2 - Operations Regulations**

#### 2.1 Airport Use - General Conditions

2.1.1 Any of the airport regulations concerning the airport may be suspended or waived by the Board of Aviation, providing that such suspension or waiver does not involve any FAA regulation, cause any safety hazard, or allow any tenant any advantage over any other tenant.

2.1.2 The Board may deny use of the airport or any of the airport facilities to any person for reason of safety or for violation of any of the airport regulations. The airport manager may deny temporary use of the airport or any of the airport facilities to any person for reason of safety. Any person denied usage of the airport may appeal the same to the Board.

2.1.3 Operation of aircraft shall be done in a safe manner. Run-ups shall be conducted so as not to cause harm to people, or damage to property, structures or other aircraft. All aircraft operators will be held responsible for damage resulting from their prop/jet blast or rotorwash.

2.1.4 Any person operating an aircraft on the airport must be certified by the FAA.

2.1.5 No commercial activities are allowed at the airport except as described in the Minimum Standards in effect and as described in Part C herein.

2.1.6 Motor vehicle access to aircraft normally parked in the established tie-down area or hangar area is permitted provided that the motor vehicle is operated and parked in such a manner that it does not interfere with aircraft operations or access to other hangared or parked aircraft. No vehicular or pedestrian traffic is allowed on the runway, taxiway, or adjacent grass areas except for authorized emergency or maintenance equipment, or at the direction of the airport manager. All motor vehicles authorized to operate on the runway, while the airport is open for aircraft operations, must have appropriate flags and/or flashing yellow light. No vehicles, aircraft or equipment may block access to any roads, hangars or other public facilities on the airport property. Motor vehicles, other than emergency vehicles, shall give right-of-way to aircraft in motion.

2.1.7 No person may abandon vehicles, equipment, aircraft or parts on the airport property. The Board has the right to have such equipment removed and disposed of with no liability for damage. The last registered owner of the equipment shall be liable for all costs incurred.

2.1.8 Disabled, wrecked or damaged aircraft or parts shall be stored out of public view or removed from the airport. Any aircraft disabled, wrecked or damaged and not removed after notice from the airport manager shall be considered abandoned and removed from the Airport.

2.1.9 Waste oil, chemicals, garbage, sludge, ashes, trash or any other waste material may not be disposed of on airport property. All paper, cans, bottles or similar trash must be put in appropriate approved waste receptacles and disposed of off of the airport property.

2.1.10 Cleaning fluids, aircraft oil, paint, fuel or gasoline in excess of 10 gallons used for maintenance purposes and the operation of equipment shall be stored in liquid storage cabinets. Quantities not exceeding 10 gallons are allowed to be stored outside of a cabinet in approved containers and in approved locations. Quantities of flammable and combustible liquids storage shall not exceed the following: 30 gallons of Class I-A liquids; 60 gallons of Class I-B liquids; 90 gallons of Class I-C liquids; 120 gallons of a combination of Class I-A, I-B and I-C liquids; 120 gallons of Class II liquids; 330 gallons of Class II-A liquids; and 13,200 of Class III-B liquids. All storage of flammable or combustible liquids must be approved by the Board.

2.1.11 No person shall use flammable materials for cleaning aircraft or parts except with adequate ventilation in areas approved by the fire chief and/or his designee and with a fire extinguisher within easy reach. Flammable materials, such as naphtha, gasoline, and organic or inorganic solvents shall not be stored at the airport except in approved containers with adequate warning signs.

2.1.12 Power paint spraying of aircraft or doping fabric aircraft surfaces may only be conducted outside or in enclosed areas approved by the fire chief and/or his designee and the Board.

2.1.13 No salt or other corrosive materials shall be used to de-ice airport properties.

2.1.14 Materials, parts, supplies and chemicals to be used for agricultural spraying may be stored on airport property, providing all chemical storage meets the requirements of the Board, Environmental Protection Agency, the Indiana Department of Environmental Management, and all other federal, state, and City statutes, regulations or ordinances.

## 2.2 Aircraft Operation - On Field

2.2.1 Pre-heating of engines is restricted to procedures that do not constitute a hazard to other persons, aircraft or property. Chemical de-icing of airframes is restricted to procedures and quantities that do not violate the airport's stormwater management plan. Pre-flight engine warm-ups or engine tests must be performed in an area so that no hazard exists to other aircraft, persons or property.

2.2.2 No person shall engage in or promote any show, contest, demonstration or similar exhibition within the airport property without specific permission from the Board. Such permission shall not be given without appropriate FAA clearance or exemptions, nor without proof of an insurance policy for the event which covers all hazards and holds the Town harmless from any and all claims resulting from the event. No person shall collect any monies for use of any airport public area.

2.2.3 All aircraft entering the airport property by a "Through-the-Fence Agreement" shall abide by all the Rules and Regulations as adopted by the Board.

## 2.3 Aircraft Operation – Airspace

2.3.1 Aeronautical activities concerning flight of aircraft to or from the airport shall be conducted in conformity with all pertinent regulations established by the FAA.

2.3.2 No flights consisting of repetitive take-offs and landings or touch-and-gos shall be conducted between the hours of 11:00 p.m. and 6:00 a.m.

## 2.4 Impact of Aviation Related Activities

2.4.1 Aviation related activities based at the airport may negatively impact owners, property owners and tenants. Examples of such activities include air shows, fly-ins, aircraft operations, balloon operations, skydiving, parachuting, glider operations and ultra light operations.

2.4.2 The airport manager may recommend to the Board of Aviation specific rules and procedures to govern the operations of activities described in section 2.4.1 with the objective of lessening or eliminating the negative impact.

# **Section 3 - Regulations Violation, Variation And Change**

## 3.1 Violations

3.1.1 Any person who is in violation of these regulations who is alleged to be in violation of these regulations and has had their access or usage denied or restricted in any manner, may file a written appeal to the Board, and the Board will be required to act upon the appeal within thirty (30) days or its next regularly scheduled Board meeting. Any restrictions may be limited to certain areas of the airport, or may be limited to a certain areas of the airport, or may be limited to a certain time period, depending upon the violation.

3.1.2 Violation of these regulations by any tenant or sub-lessee may be considered reason to restrict the activities on the airport of that person or tenant, in lieu of termination of the lease or contract, if the Board concludes that the person or tenant could correct the violation by restricting his activities so that the violation is eliminated.

### 3.2 Change of Rules and Regulations

3.2.1 Any change in regulations adopted by the FAA which affects these regulations shall be automatically adopted without requiring any immediate action on the part of the City.

3.2.2 Any person may request a change in these regulations. The request for a change in the regulations will be presented in writing to the airport manager or to the Board. The request for a change must be accompanied by a statement finding the reasons for a change or a new regulation, and an analysis of how the proposed change would improve the airport, either aesthetically, financially or improve airport operations or safety.

3.2.3 A copy of these Rules and Regulations and any adopted changes will be available at the airport manager's office, at the FBO, and at the City Clerk's office.

## **Section 4 - Security**

### 4.1 Security Requirements Regulated by Airport Management

4.1.1 Restricted areas are established for safety and security reasons. Except for passenger enplaning or deplaning of aircraft, the general public is prohibited from the Airport Operations Area unless escorted by an authorized airport employee. The general public is also prohibited from all other areas of the airport posted as being **RESTRICTED AREAS**.

4.1.2 Aircraft requiring the presence of security guards or police officers must coordinate this requirement with the airport manager.

4.1.3 Only flight crews, passengers going to and from aircraft, aircraft service and maintenance technicians, FAA, Fire Fighting personnel and others authorized by the airport manager or Board, shall be permitted into the Airport Operations Area.

4.1.4 Pedestrians or motor vehicle operators observed in other than public use areas without authorization by the airport manager or the Board will be considered trespassing and may be subject to arrest.

4.1.5 Marion police officers and other local law enforcement officers have the power and authority to enforce laws, ordinances, Rules and Regulations within the airport boundaries.

### 4.2 Security of Aircraft and Airport Operations Area

4.2.1 When the condition or mission of an aircraft requires security guards or police, the owner or operator of the aircraft is responsible for obtaining and paying for security service personnel.

4.2.2 Tenants are responsible for the security of all aircraft and other private property entrusted to their care on the Airport Operations Area or other locations on their airport tenant-leased areas of responsibility.

4.2.3 Tenants and tenant employees are responsible for safeguarding doors, gates and other forms of passageways between the Airport Operations Area and the landside of the airport.

4.2.4 A breach in security caused by a tenant or tenant's employee that results in an FAA or Board authority finding of negligence will be subject to review, and may result in restricted access to the Airport Operations Area by the tenant.



#### 4.3 Weapons

4.3.1 No unauthorized person will carry a weapon on the airport except encased for transporting in aircraft. Federal, state and local law enforcement officers are exempt from this rule.

### **Section 5 - Construction And Improvements**

#### 5.1 Development Criteria

5.1.1 All construction and improvements occurring at the Marion Municipal Airport shall be in compliance with development plans and ordinances adopted by the City of Marion or the Board. All proposed buildings and improvements shall be reviewed by the Board prior to commencement of construction. All required building and special use permits shall be obtained by the applicant prior to construction, after review by the Airport Manager, the Board and other City of Marion government officials having review, licensing, or permitting authority.

#### 5.2 Site Design

5.2.1 All site designs shall be in compliance with the adopted Airport Layout Plan for the Marion Municipal Airport.

5.2.2 Site development on airport perimeter property may be required to provide for landscaping to screen and buffer automobile parking areas and aircraft tie-down areas from off-site and public rights-of-way. Site landscaping may also be required at other locations on airport property, determined on a case by cases basis by the Board and by the City Plan Commission. Landscaping shall increase and enhance the visual aesthetics of the airport, but shall not pose operating hazards to aircraft or vehicular traffic.

#### 5.3 Buildings

5.3.1 All buildings shall be of permanent construction. No temporary or portable buildings shall be permitted unless they are specifically for use as temporary construction facilities or specifically permitted and approved by the Board and the City Plan Commission.

5.3.2 Buildings shall meet all county and City building, zoning and development codes and standards as required by City.

5.3.3 Buildings shall be designed to be compatible with the overall airport aesthetics. Final approval of all proposed building designs shall be by the City of Marion and the Board.

5.3.4 Buildings shall meet setback and height restrictions as required by Federal Aviation Regulations Part 77 and the airport master plan or the airport layout plan.

5.3.5 Building colors shall be compatible with the overall scheme of the airport. Color schemes which may be deemed as distracting, and therefore a potential hazard to aircraft operations, may be prohibited.

5.3.6 Signage shall be approved by the Board.

#### 5.4 Required Action

5.4.1 In addition to meeting the development requirements of the City of Marion, individuals, corporations, or other entities desiring to build at the Marion Municipal Airport shall provide the Board of Aviation with the following information for the construction project prior to beginning construction.

- (a) Letter of intent;
- (b) Site plan, including a vicinity map showing adjacent buildings, taxiways, tie-down areas, roads, parking areas, and other proposed site modifications or improvements;
- (c) Landscaping plan for all perimeter and for interior properties, if requested by the Board. Landscaping plans shall indicate location, species, and mature size of all proposed plantings;
- (d) Building plans and elevations;
- (e) Samples or descriptions of proposed materials of construction and colors;
- (f) Construction schedule;
- (g) The Board of Aviation shall respond with written approval or disapproval within thirty (30) days of receipt of all the above items.

5.4.2 A certificate of occupancy must be obtained before the structure can be occupied.

### **C. COMMERCIAL ACTIVITIES**

#### **Section 1 - General Information**

##### 1.1 Minimum Standards

1.1.1 The Board has established Minimum Standards and requirements for commercial activities at the Marion Municipal Airport. The Minimum Standards should be reviewed by all person or persons, partnership, company, trust, or corporation intending to engage in commercial activities at Marion Municipal Airport. These Minimum Standards are not intended to be all-inclusive as the operator of a commercial venture based on the airport will be subject to applicable federal, state and local laws, codes, ordinances and other regulatory measures.

1.1.2 In all cases where the words standards or requirements appear, it shall be understood that they are modified by the word minimum. All operators will be encouraged to exceed the minimum. No operator will be allowed to operate under conditions in violation of the Minimum Standards set forth under the Commercial Activities section.

##### 1.2 Commercial Tenants

1.2.1 There are five classifications of commercial tenants at Marion Municipal Airport: Onsite Fixed Base Operator (FBO), Corporate Operator, Hangar Operator, and Non-Aviation Service Operator. Definitions of these commercial tenants are available within the Minimum Standards or Part A, Airport Regulations, Section 1.

1.2.2 All tenant operators must pay all license and permit fees required by the Federal, State, County and City governments. The license identifies specific commercial activities approved for each airport business firm.

1.2.3 All tenant operators must be party to a fully executed lease or rental agreement with the Board.

1.2.4 All tenant operators must certify that they are in compliance with the Airport Rules and Regulations and Minimum Standards.

1.2.5 Tenants are prohibited from sublease or sublet, or assignment of lease, of any premises located on real estate owned or leased by the Marion Municipal Airport without prior written approval of the Board.

1.2.6 Tenant is responsible for training its employees on the contents of the Airport Rules & Regulations, airport Minimum Standards and applicable portions of the tenant lease agreement with the City of Marion.

1.2.7 Tenant must ensure that all tenant employees meet physical and mental standards necessary for the safe conduct of each employee's job task, especially as these tasks relate to safe and rational conduct in and around aircraft and all other areas of the AOA.

1.2.8 Tenant shall keep hangars, shops, offices, other buildings, structures and areas adjacent thereto free of waste material, rubbish, junk and landscaping litter. Sanitation, trash and garbage receptacles will be placed in pedestrian traffic areas to accommodate and encourage the disposal of refuse.

1.2.9 Flammable materials must be stored in an appropriate manner, as required in Part B, Section 2.1.10.

1.2.10 Restrooms will be maintained in clean and sanitary conditions. All floors, walls and ceilings will be maintained in clean, sanitary and well-lighted condition.

1.2.11 Structural and extensive decorative changes to any building, structure, ramp, or other airport property requires prior written approval of the Board and must comply with local building codes and inspections.

## **Section 2 - Fixed Base Operator (FBO)**

### **2.1 Minimum Requirements**

2.1.1 Any person or entity desiring to enter into a lease or contract with the City of Marion to operate as an FBO at Marion Municipal Airport must meet the Minimum Standards currently in effect and the Airport Rules & Regulations.

2.1.2 If the FBO is required to provide an aircraft tie-down area, the FBO shall provide adequate tie-down anchors, ropes, cables or chains of adequate strength to insure aircraft security during high wind conditions. The tie-down area shall be for the exclusive purpose of aircraft tie-down. The tie-down area shall be properly maintained with marked access to airport taxiways. Snow and ice shall be removed from the leased tie-down area in a timely manner at the expense of the FBO.

2.1.3 If customer and employee parking areas are required by the Board, all snow and ice removal from the designated parking areas shall be accomplished in a timely manner at the expense of the FBO.

### **2.2 Optional Services**

2.2.1 Any person or entity operating an approved FBO at the Marion Municipal Airport may also offer additional services, subject to review and approval by the Board, provided that they meet the requirements of the Minimum Standards and the Airport Rules and Regulations.

### **Section 3 - Offsite Base Operator (OBO)**

#### **3.1 Minimum Requirements**

3.1.1 Any person or entity desiring to enter into a lease or contract with the Board to operate a OBO must meet the Minimum Standards currently in effect and the Airport Rules & Regulations.

### **Section 4 - Hangar Operator**

#### **4.1 Minimum Requirements**

4.1.1 Any person or entity desiring to enter into a lease or contract with the City of Marion to construct and operate a hangar at the Marion Municipal Airport must meet the minimum requirements as set forth in the section identified as Part C, Section 4.1.

4.1.2 All building construction or alterations, including paving are subject to approval by the Board and the Plan Commission.

### **Section 5 - Non-Aviation Service Operator**

#### **5.1 Minimum Requirements**

5.1.1 Any person or entity desiring to enter into a lease or contract with the City of Marion to become Non-Aviation Service Operator at the Marion Municipal Airport must meet the minimum requirements as set forth in this section identified as Part C, Section 5.1.

5.1.2 Lease or contract with the City or sub-lease from an existing tenant and a contract with the City with the terms agreeable and approved by the City of Marion or its authorized airport representative providing for the service to be operated out of an existing tenant's leased area.

### **Section 6 - Insurance and Liability**

#### **6.1 Tenant Liability and Insurance**

6.1.1 The City of Marion, Indiana assumes no liability or responsibility for any loss, injury, or damage to persons or property by reason of fire, theft, vandalism, wind or other natural causes, nor does the City assume any liability for injury to any person while on airport property or while using any public or private facilities at the Marion Municipal Airport.

6.1.2 Insurance coverage shall be provided and paid for by all persons, corporation, or other entities conducting commercial activities at the Marion Municipal Airport, Marion, Indiana in accordance with the Minimum Standards published by the Board. All commercial operators' insurance policies, endorsements, or certificates will name the City of Marion as additional insured. The policies, endorsements or certificates will provide that, relative to any other insurance coverage available to the City, the insurance shall function as "primary" insurance. They will further specify that the insurers may not modify, terminate or cancel coverage, except upon thirty days written notice to the Board.

6.1.3 In addition to provisions in Section 7.1.2, Hangar Operators shall carry "Hangarkeeper's Liability."

6.1.4 A copy of a Certificate of Insurance providing the required current coverage is to be provided to the Board.

## **Section 7 - Fees And Permits**

### 7.1 Lease Rates

7.1.1 Uniform lease rates and terms for leased property at the Marion Municipal Airport will be as determined by the Board or its authorized representative. See Appendix for current lease rates.

### 7.2 Fees

7.2.1 Fees for permits or other licensed activities at the Marion Municipal Airport shall be as requested by the Board.

## **Section 8 - Loss Of Lease**

### 8.1 Lease Violation

8.1.1 Any tenant who violates the Minimum Standards published by the Board or the Airport Rules & Regulations will be given a written notice by the Board or the Airport Manager, describing the violation and suggesting corrective action. The tenant may be given a specified time period for corrective action to be completed. If the tenant does not correct the cited violation(s), the tenant's lease is subject to immediate termination. In cases where the tenant and the Board cannot agree on the corrective action to be taken, or if a difference of opinion exists concerning the violation itself, or the tenant may file a written appeal with the Board for review. The Board will review the matter within thirty (30) days or at the next regularly scheduled Board meeting. If the tenant desires a review by the Board, he must submit a written request to the Airport Manager within five working days of the receipt of the notice of violation. The findings of the Board are final.

8.1.2 Any tenant who violates the equal opportunity or civil rights of any member of the public, or discriminates against any customer or potential customer, as described by any federal, state or local statutes, regulations or ordinances.

8.1.3 All tenants are responsible for providing a copy of the Rules and Regulations to any lessee, sub-contractor, co-owner or others operating on or from the tenant's area, either leased from or contracted with the Board, and any violations of the regulations by any sub-lessee or sub-tenant may affect the lease or contract of the tenant.