



**OLYMPIA REGIONAL AIRPORT
MINIMUM STANDARDS FOR COMMERCIAL ACTIVITIES**

September 27, 2012

Airport Minimum Standards approved and adopted by the Port of Olympia Commission on February 8, 1993, contain Business Rules and Regulations which regulate commercial business operations at the Olympia Regional Airport. *Airport Rules and Regulations* are published separately.

Authority:
RCW 53.08.220 Laws of the State of Washington
FAA Advisory Circular 150/5190-7
FAA Order 5190.6B

**Approved: Port of Olympia Commission; February 8, 1993
Updated September 27, 2012**

Index

Section	Title	Page
	FORWARD	3
1	DEFINITIONS	4
2	BUSINESS ACTIVITIES	7
3	LEASE & LICENSE APPLICATIONS	8
4	LICENSES	8
5	SUPPORTING DOCUMENTS	8
6	LEASE REQUIREMENTS	8
7	MINIMUM QUALIFICATIONS	9
8	ACTION ON APPLICATION	12
9	GENERAL BUSINESS RULES AND REGULATIONS	13
10	TERMINATION	16
11	WAIVERS OF MINIMUM STANDARDS	17
12	ACCEPTANCE OF RULES	17
13	APPLICABLE LAWS	18
14	PORT EXEMPT FROM LIABILITY	18
15	RESPONSIBILITY FOR DAMAGES	18
16	SEVERABILITY	18
17	ENFORCEMENT	19
18	SELF FUELING & SELF SERVICE	19
19	GOVERNMENT AGREEMENTS	20
20	AIRPORT LAYOUT PLAN	20
21	AIRPORT PROPRIETARY TYPE USER CHARGES	20
22	AIRPORT SECURITY	21
23	THROUGH THE FENCE OPERATIONS	22
24	INDEPENDENT OPERATORS	22
25	SKYDIVING / SPORT PARACHUTE JUMPING	22
26	ULTRALIGHT VEHICLES AND LIGHT SPORT AIRCRAFT	23
27	NON-AERONAUTICAL COMMERCIAL ACTIVITY	23

EXHIBIT A: RULES AND REGULATIONS FOR OLYMPIA REGIONAL AIRPORT

FORWARD

FEDERAL AVIATION ADMINISTRATION (FAA) POLICY. The airport sponsor of a federally obligated airport agrees to make available the opportunity to engage in commercial aeronautical activities by persons, firms, or corporations that meet reasonable minimum standards established by the airport sponsor. The airport sponsor's purpose in imposing standards is to ensure a safe, efficient and adequate level of operation and services is offered to the public. Such standards must be reasonable and not unjustly discriminatory. In exchange for the opportunity to engage in a commercial aeronautical activity, an aeronautical service provider engaged in an aeronautical activity agrees to comply with the minimum standards developed by the airport sponsor. Compliance with the airport's minimum standards should be made part of an aeronautical service provider's lease agreement with the airport sponsor.

The FAA suggests that airport sponsors establish reasonable minimum standards that are relevant to the proposed aeronautical activity with the goal of protecting the level and quality of services offered to the public. Once the airport sponsor has established minimum standards, it should apply them objectively and uniformly to all similarly situated on-airport aeronautical service providers. The failure to do so may result in a violation of the prohibition against exclusive rights and/or a finding of unjust economic discrimination for imposing unreasonable terms and conditions for airport use.

When the airport sponsor imposes reasonable and not unjustly discriminatory minimum standards for airport operations through the use of reasonable minimum standards, the FAA generally will not find the airport sponsor in violation of the Federal obligations. Considerations for applying those standards may include, but are not limited to, the following:

- (1)** Apply standards to all providers of aeronautical services, from full service FBOs to single service providers;
- (2)** Impose conditions that ensure safe and efficient operation of the airport in accordance with FAA rules, regulations, and guidance;
- (3)** Ensure standards are reasonable, not unjustly discriminatory, attainable, uniformly applied and reasonably protect the investment of providers of aeronautical services to meet minimum standards from competition not making a similar investment;
- (4)** Ensure standards are relevant to the activity to which they apply; and
- (5)** Ensure standards provide the opportunity for newcomers who meet the minimum standards to offer their aeronautical services within the market demand for such services.

DEFINITIONS as used in these **MINIMUM STANDARDS**:

Aeronautical Activity: Any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations and shall include, but is not limited to, all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental, sightseeing, aerial photography, crop dusting, aerial advertising, surveying, air carrier operations, aircraft sales and service, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that, because of their direct relationship to the operation of aircraft, can appropriately be regarded as an "Aeronautical Activity."

Aircraft: A device that is used or intended to be used for flight in the air.

Aircraft Movement Area: The public use runway and taxiway areas of the Airport, including the areas between runways and taxiways. The primary use of this area is the lawful operation of aircraft only and requires clearance from Air Traffic Control. Ground vehicle operations in this area require a vehicle to be equipped with an operating amber beacon or airport construction flag and an individual to communicate on the appropriate radio frequency to the Air Traffic Control Tower or Common Traffic Advisory Frequency.

Aircraft Operations Area or AOA: Means the entire airport area within the outer perimeter security fences, including Movement and Non-movement Areas including the aprons, ramps, taxi lanes, and hangar and tie-down areas.

Airport: The Olympia Airport and all the area, buildings, facilities and improvements within the exterior boundaries of said airport, as it now exists or may hereafter be extended or enlarged or modified. It includes any appurtenant areas used, or intended to be used, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon. It also includes any heliport.

Airport Director: The Port of Olympia Airport Director.

Airport District Office (ADO): These FAA offices are outlying units or extensions of regional airport divisions. They advise and assist airport sponsors with funding requests to improve and develop public airports. They also provide advisory services to the owners and operators of both public and private airports in the operation and maintenance of airports. See the FAA Web site for a complete listing of all ADO offices at http://www.faa.gov/airports_airtraffic/airports/regional_guidance/.

Air Traffic: Aircraft operating in the air or on an airport surface, exclusive of Non-movement areas.

Air Traffic Control: A service operated by the appropriate authority to promote the safe, orderly and expeditious flow of air traffic.

Air Traffic Control Tower or ATCT: The Olympia Regional Airport Air Traffic Control Tower.

Code of Federal Regulations (CFRs): The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation.

Commercial Aeronautical Activities: 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.

Commission: The Port of Olympia Commissioners.

Executive Director: The Port of Olympia Executive Director.

FAA: The Federal Aviation Administration.

Federal Airport Obligations. All references to a federal grant program, federal airport development assistance, or federal aid intended to address obligations arising from the conveyance of land or from grant agreements entered under one of the following acts:

(1) Surplus Property Act of 1944 (SPA), as amended, 49 U.S.C. §§ 47151-47153. Surplus property instruments of transfer were issued by the War Assets Administration (WAA) and are now issued by its successor, the General Services Administration (GSA). However, the law imposes upon the FAA (delegated to FAA from The Department of Transportation) the sole responsibility for determining and enforcing compliance with the terms and conditions of all instruments of transfer by which surplus airport property is or has been conveyed to non-Federal public agencies pursuant to the SPA. 49 U.S.C. § 47151(b).

(2) Federal Aid to Airports Program (FAAP). This grant-in-aid program administered by the agency under the authority of the Federal Airport Act of 1946, as amended, assisted public agencies in the development of a nationwide system of public airports. The Federal Airport Act of 1946 was repealed and superseded by the Airport Development Aid Program (ADAP) of 1970.

(3) Airport Development Aid Program (ADAP). This grant-in-aid program administered by the FAA under the authority of the Airport and Airway Development Act of 1970, as amended, assisted public agencies in the expansion and substantial improvement of the Nation's airport system. The 1970 act was repealed and superseded by the Airport and Airway Improvement Act of 1982 (AAIA).

(4) Airport Improvement Program (AIP). This grant-in-aid program administered by the FAA under the authority of the Airport and Airway Improvement Act of 1982, 49 U.S.C. § 47101, *et seq.*, assists in maintaining

a safe and efficient nationwide system of public-use airports that meet the present and future needs of civil aeronautics.

Federal Grant Assurance: A Federal grant assurance is a provision within a Federal grant agreement to which the recipient of Federal airport development assistance has agreed to comply in consideration of the assistance provided. Grant assurances are required by statute, 49 U.S.C. § 47101.

Fixed Base Operator or FBO: A commercial business granted the right by the airport sponsor to operate on an airport and provide aeronautical services such as fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc., as specified in Section 7 of these Minimum Standards. In addition to those required services, the FBO may provide any of the services of a Specialized Fixed Base Operator.

Flying Club: A multi-person ownership of four or more persons owning one or more aircraft either in partnership, co-ownership, or as a corporation and the sole purpose of which is the enjoyment of, or the business transportation of the members.
(See FAA AC No 150/5190-5/1.)

Hazardous Materials: All substances whose use, handling, treatment, storage, disposal, discharge, or transportation is governed, controlled, restricted, or regulated by environmental laws that have been defined, designated, or listed by any regulatory agency as being hazardous, toxic, radioactive, or that may present an actual or potential hazard to human health or the environment if improperly used, handled, treated, stored, disposed, discharged, generated, transported or released. Hazardous materials include without limitation, asbestos and asbestos-containing materials, petroleum products, solvents, and pesticides.

Hangar and Tie-down Areas: Areas on which the Port or its tenants have hangars, or has designated as tie-down areas for the storage of aircraft.

Improvements: Includes, without limitation, any buildings, hangars, paved areas such as parking lots, ramps, or aprons, or other alterations constructed or installed by an Operator on Port-owned premises.

Lease: A Port Commission approved agreement regarding acquisition of the right to use ground or building space at the Airport.

Licensed, Licensee or Licensed Operator: A person licensed by the Commission or the Airport Director to conduct business or other activities on the Olympia Regional Airport.

Motor Vehicle: Any self-propelled wheeled, tracked vehicle, or trailer hitched on to a motor vehicle for the conveyance of people or goods on airport property or for the

service and maintenance of equipment or property or any other vehicle as defined in RCW 47.04.010(18).

Person: Any individual, firm, partnership, corporation, company, association, joint-stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

Port: The Port of Olympia U.S.A., Thurston County, Washington, which owns and operates the Olympia Regional Airport.

Ramp: An area designated for the parking, maneuvering, loading, unloading or servicing of aircraft while they are on the ground (also referred to as aprons).

Self-Fueling and Self-Service: Self-fueling and self-service means the fueling or servicing of an aircraft (i.e. changing the oil, washing) by the owner of the aircraft with his or her own employees and using his or her own equipment.

Specialized Aviation Service Operations (SASO): SASOs are sometimes known as single-service providers or special FBOs performing less than full services. These types of companies differ from a full service FBO in that they typically offer only a specialized aeronautical service such as aircraft sales, flight training, aircraft maintenance, or avionics services for example.

2. BUSINESS ACTIVITIES:

2.01 Business Activities: Subject to applicable orders, certificates, or permits of the FAA, or their successors, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for revenue producing commercial, business, or aeronautical activities who has not first complied with these Minimum Standards and Business Rules and Regulations and obtained the consent and all appropriate leases or licenses for such activities from the Port of Olympia.

3. LEASE AND LICENSE APPLICATIONS:

3.01 Lease And License Applications: Application for leases of land or facilities on the Airport and/or for a license to carry on any commercial, business or aeronautical activity on the Airport, shall be made to the Airport Director on the forms and manner prescribed by the Port of Olympia. The Port of Olympia may, if it deems it advisable, have a public hearing upon the application. The Applicant shall submit all information and material necessary, or requested by the Port, to establish that the applicant can qualify and will comply with these Minimum Standards and Business Rules and Regulations. The application will

be signed and submitted by every party owning an interest in the business, those who will be managing the business, or every partner of the partnership, and each director and officer, of a corporation. Original applications will be submitted along with the accompanying documents as prescribed in the application form.

4. LICENSES:

4.01 Licenses: Licenses for commercial, business or aeronautical activity on the Olympia Regional Airport will be valid from the date of issue until terminated per these Minimum Standards and Business Rules and Regulations, and/or by mutual consent. Application for additional services or operations requires only such information to show compliance with these Minimum Standards and Business Rules and Regulations pertinent to that license.

5. SUPPORTING DOCUMENTS:

5.01 Supporting Documents: As requested by the Port of Olympia, the applicant shall submit the following documents, together with such other information as may be requested.

Current Financial Statement: A current financial statement prepared by a Certified Public Accountant.

Listing Of Assets: A written listing of assets owned or being purchased that will be used in the business on the Airport.

Credit Information: Any information necessary for the Port to obtain a current credit report for those fields in which the applicant has done business during the past six (6) months.

Authorization From Agencies: A written authorization for the FAA and all aviation or aeronautical commissions, administrators or departments of all states in which the applicant has engaged in aviation business to supply the Port with all information in their files relating to the applicant or his operation. The applicant shall execute such forms, releases, and discharges as may be requested by these agencies.

6. LEASE REQUIREMENTS:

6.01 Lease Requirements: No person shall use the Airport for any of the following activities until such person has applied for and received from the Port of Olympia a license and/or a lease for said activity or activities and has met the qualifications, standards, and requirements of these Minimum Standards and

Business Rules and Regulations. An applicant for a license to conduct business on Olympia Regional Airport shall specify all services mentioned in this section which the applicant desires to conduct on the Olympia Regional Airport. A licensee shall carry on or conduct only those services approved and specified in the lease and/or license granted by the Port of Olympia.

Aircraft Sales

Aircraft Parts and Accessories Sales

Air Charter Operations

Aircraft Rental, Flight Instruction or Ground Schools

Aircraft Maintenance: Which shall include one or more of the following:

- a. Airframe overhaul and repair
- b. Engine overhaul, repair, and installation
- c. Instrument repair and installation
- d. Radio and electrical repair and installation
- e. Aircraft interior work
- f. Refinishing and painting
- g. Other specialties

Line Services: Which includes one or more of the following:

- a. Supplying fuel, oil, and other fluids
- b. Interior and exterior cleaning

Aircraft Storage: Inside and/or outside

Specialized Aeronautical Service: Such as aerial photo work, agriculture spraying, banner towing, etc.

Car Rental

Food and Beverage Catering Service

Non-aeronautical Commercial Activity: Any other wholesale, retail, or service business enterprise.

7. MINIMUM QUALIFICATIONS:

7.01 Minimum Qualifications: In order to qualify for a license for the respective services mentioned in **Section 6**, the licensee shall, in addition to meeting all other requirements and qualifications set out in these Minimum Standards and Business Rules and Regulations, meet the following minimum qualifications, and remit the appropriate fees as set forth in the Olympia Regional Airport Proprietary Type User Charges.

7.02 Aircraft Sales: A licensee for aircraft sales shall provide adequate office space and an area on the Airport of sufficient size to permit the storage and/or display of all aircraft for sale or used in the aircraft sales business.

- 7.03 Aircraft Parts Sales:** A licensee for parts and accessories sales shall provide an adequate sales counter, storage facilities, and administrative office space for such operations.
- 7.04 Air Charter Operations:** A licensee for charter operations shall provide an adequate passenger waiting room and rest room facilities. Space should also be adequate for administrative offices. At least one aircraft based on Olympia Regional Airport must be suitable for such operations. The licensee shall provide adequate space on the Airport for storage, loading and unloading of aircraft that will be used in such charter operations. Charter licensees will provide the Airport Administrative Office with a copy of their FAA operating certificate and a monthly report on the number of passengers enplaned at Olympia Regional Airport.
- 7.05 Aircraft Rental, Flight Instruction, Ground School:** A licensee for aircraft rental, flight instruction or ground school shall provide a room or other suitable space for flight planning. It shall be equipped with a telephone, restrooms, administrative office space, and shall provide adequate aircraft storage and operating area. Such licensee shall operate and have based on the Airport one or more aircraft suitable for flight instruction.
- 7.06 Aircraft Maintenance:** A licensee for aircraft maintenance services shall provide a shop building of sufficient size to accommodate at least one twin-engine aircraft together with all tools and equipment. In addition, the licensee shall equip the shop with such tools, machinery, equipment, parts and supplies normally necessary to conduct a full-time business operation for the maintenance service being offered. Such a shop shall be staffed by aircraft maintenance technicians and personnel who are qualified and competent, and who have all necessary FAA Certificates. This also will require each shop that is not an approved FAA Repair Station, to have at least one full-time aircraft maintenance technician with FAA Inspection Authorization (IA).
- 7.07 Line Services:** A licensee for line services shall provide and maintain all necessary pumps, tanks, trucks, refueler, fueling islands and other fueling facilities that may be necessary, provided, however, the licensee shall not place or maintain any fueling facility on the Airport, mobile or fixed, which is not previously approved by the Port of Olympia. All Fuel storage tanks shall be provided and installed by the licensee at the airport fuel storage facility provided by the Port of Olympia. Unattended refuelers may be parked at the Airport Fuel Storage Facility during non-business hours at the discretion of the Port. The licensee shall not deliver fuel into any aircraft unless the fuel has been placed in a suitable approved filtration tank. There shall be no fueling direct from a common carrier transport truck into refueler without filtration. Licensee shall comply with the current Olympia Regional Airport fire regulations, uniform fire codes, and current FAA fueling rules and regulations, including the record keeping of equipment and fuel inspection logs as described in FAA AC 150/5320-

4, "Aircraft Fuel Storage, Handling, and Dispensing on Airports", current edition. Tanks, transfer equipment, and refuelers shall be inspected annually by the City of Tumwater Fire Department, and licensees shall provide copies of these annual inspection reports to the Port upon request. Licensee offering line services shall maintain enough full time uniformed attendants on duty to service aircraft without unreasonable delay during posted hours of operation. The Licensee shall offer night service by having an attendant available who will respond by a telephone call to a telephone number and any charges for this service conspicuously posted at the facility. This information shall also be filed with the Airport Administration Office. The Licensee shall, at all times, maintain an adequate supply of fuels, oils, and fluids normally called for on this Airport. Licensee shall provide both aviation gasoline and aviation jet fuel. Each truck shall be appropriately lighted and equipped with a two-way radio for communications with the ATCT. The Licensee must have an area sufficient in size to accommodate the line services and flow of traffic in and out of the line services, parking of serviced aircraft, and aircraft to be serviced.

Licensees shall provide training for their employees in spill response procedures, shall be fully knowledgeable of the Port's Hazardous Materials Management Plan and the Airport Spill Prevention, Control and Countermeasure Plan, and shall maintain copies of the Port's Hazardous Materials Management Plan and the Airport Spill Prevention, Control and Countermeasure Plan at their facilities. All mobile fuel trucks shall be equipped with spill cleanup kits of fuel absorbent materials, temporary dams, and other spill cleanup materials to the satisfaction of the Port.

- 7.08 Aircraft Storage:** A Licensee for outside aircraft storage must be licensed to supply at least one other licensed service in addition to the qualifications therefore and shall have sufficient area to accommodate the aircraft to be stored. The area will be kept maintained or surfaced. Secure aircraft anchors will be provided. Current rates for this service will be filed with the Airport Administration Office.
- 7.09 Specialized Aeronautical Services:** Any specialized aeronautical services shall meet such requirements as may be prescribed by the Port of Olympia, including but not limited to, a License Agreement that provides a level of regulation and compensation satisfactory to the Port and proof of insurance.
- 7.10 Car Rental:** A licensee for car rental shall have adequate facilities for such services and sufficient leased parking areas to accommodate the local fleet of vehicles.
- 7.11 Food and Beverage Service:** A licensee for food and beverage services shall have adequate facilities and meet all state and county laws pertaining to such facilities.

8. ACTION ON APPLICATION:

8.01 Action on Application: The Port of Olympia may deny an application if, in its opinion, it finds any one or more of the following:

Qualifications: The Applicant, for any reason, does not meet the qualifications, standard, and requirements established by these Minimum Standards;

Safety Hazard: The Applicant's proposed operations or construction will create a safety hazard on the Airport;

Expenditures of Port Funds: The granting of the application will require the expenditure of Port funds or the furnishing of labor and/or materials to an operation which will result in a financial loss to the Port;

Available Space: There is no appropriate, adequate, or available space or building on the Airport to accommodate the entire activity of the applicant at the time of the application;

Airport Lay Out Plan: The proposed operation or airport development or construction does not comply with the FAA approved Airport Master Plan or Airport Layout Plan;

Adverse Impacts On Existing Businesses: The development or use of the area requested by the applicant will result in depriving existing licensees of portions of the area in which they are operating or will result in a congestion of aircraft or buildings or will result in unduly interfering with the operations of any existing licensee on the Airport through problems in connection with aircraft traffic or service or preventing free access to the licensee's area;

False Information: Any party applying or interested in the business has supplied the Port of Olympia with any false information or has misrepresented any material fact in their application or in supporting documents or has failed to make full disclosure on their application or in supporting documents;

Record of Violation of Rules: Any party applying or interested in the business has a record of violating these Minimum Standards or Port Commission adopted Airport Rules and Regulations, or the rules and regulations of any other airport, or any FAA Regulations, or any other rules and regulations applicable to the Airport;

Default: Any party applying, or interested in the business has defaulted in the performance of any lease, or any other agreement with the Port;

Credit Report: Any party applying or interested in the business has a credit report which contains adverse credit information, and does not appear to be a person of satisfactory business responsibility and reputation;

Finances: The applicant does not have, or have access to, the finances necessary to conduct the proposed operation;

Protection of Health: There is a question regarding the protection of the health, welfare, safety, or morals of the inhabitants of Thurston County that would require a denial;

Non-Aviation or Non-Profit Use: Nothing contained herein shall be construed to prohibit the Port of Olympia from granting or denying, for any reason it deems sufficient, an application for the purpose of selling, furnishing or establishing non-aviation products and supplies or any service or business of a non-aeronautical nature, or the application for use of an area on the Airport for non-profit use.

9. GENERAL BUSINESS RULES AND REGULATIONS:

9.01 General Business Rules and Regulations: The following general rules apply to all licensees.

9.02 Assignments of License: No right, privilege, permit or license to the business on the Airport or any lease of any area of the Airport shall be assigned, sublet, sold or otherwise transferred or conveyed in whole or in part without the prior consent of the Port of Olympia which may be withheld in its sole discretion.

9.03 Port of Olympia Written Approval For Leases of Land or Facilities: Leases for facilities and/or land requires written approval by the Port of Olympia. Any required construction shall meet the Port of Olympia Development Guidelines and be approved by the City of Tumwater. No buildings, structures, aircraft tie-downs, ramps, paving, taxi areas, or any other improvement or addition shall be placed or constructed on the Airport or altered or removed without the prior approval by the Port of Olympia. In the event of any construction, the Port of Olympia may, at its discretion, require an appropriate bond to guarantee the completion of the construction in accordance to the Port of Olympia's approval.

9.04 Authorized Operations Area: No person authorized to operate or conduct any business activities on the Airport shall conduct any business or activity in any area except as specified by the Port of Olympia, or the Airport Director, or as approved in any applicable lease, license or rental agreement.

9.05 Personnel: The Licensee shall employ adequate and competent personnel. Personnel positions which require certification by the FAA will not be filled other

than by individuals who have such certification which is both valid and current. The Licensee shall ensure that personnel have received proper training for their duty assignments, including the operation of necessary equipment.

- 9.06 Working Hours:** Licensees shall be staffed and open for business as is customary for the trade and the area. Licensees will post their hours of operation conspicuously at their premises.
- 9.07 Copies of Appropriate Certificates and Permits:** All businesses shall have a City of Tumwater Certificate of Occupancy and City of Tumwater Business License.
- 9.08 Business Name and Signs:** No Licensee shall conduct business operations on the Airport under a business name the same as or deceptively similar to the business name of any Licensee previously established on the Airport. Each Licensee shall be identified by a sign or signs at one's facility, and must meet the City of Tumwater municipal code as well as be approved by the Airport Director. Signs which are no longer appropriate, due to a change in service, product line, or other reason, shall be removed by the Licensee.
- 9.09 Liability Insurance:** The Licensee shall secure public liability and property damage insurance on which the Port of Olympia shall be named as an additionally insured. Such policies of insurance shall be maintained in full force and effect during all terms of existing leases, agreements, or business licenses, or renewals or extension thereof for a period of not less than ninety (90) days after termination. Such policies shall be for the amount as prescribed by the Port of Olympia. Copies of all such policies of insurance shall be delivered to the Port of Olympia and shall be held for the benefit of the parties as their respective interests may appear. The amounts of said insurance shall not be deemed a limitation of the Licensee's liability to the Port, and if the Port of Olympia, or any of its authorized agents, officers, representatives, or employees become liable for an amount in excess of the insurance, the Licensee will save and hold them harmless for the whole thereof.
- 9.10 No Discrimination:** The Licensee shall fully comply with all federal, state, and local laws, regulations, and ordinances pertaining to non-discrimination and equal employment.
- 9.11 No Discrimination In Service:** The Licensee shall furnish all services authorized or licensed by the Port of Olympia on a fair, equal, and non-discriminatory basis to all users thereof, and shall charge fair, reasonable, and non-discriminatory prices for each unit or service; provided that the Licensee may make reasonable non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, as permitted by law.

- 9.12 Cooperation With Airport Management:** The Licensee shall cooperate with the Airport Management in operation and control of the Airport. The Licensee shall do all things reasonable to advance or promote the Olympia Regional Airport and aeronautical activities thereon, and to develop the Airport into an attractive, efficient, and modern Airport.
- 9.13 Snow, Ice, and Weed Removal:** The Licensee shall be responsible for the removal of snow, and ice, from all his/her leased areas and areas in which he/she is authorized to operate. The Licensee shall keep leased areas, and areas in which he/she operates, free and clear of all weeds, rocks, debris, and other material which could cause damage to aircraft, buildings, persons, or property as the result of aircraft engine operation. The Port may, at the request of the operator, and at the discretion of the Airport Director, assist the Licensee in snow, ice, and weed removal, provided such operator shall assume the liability of the Port's actions in this regard, and shall indemnify and hold the Port, its officers, agents, and employees harmless from all liability in connection with all things done by the Port pursuant hereto and in connection with such snow, ice, and weed removal.
- 9.14 Monthly Reporting:** In addition, to any other reports called for in these Minimum Standards and Business Rules and Regulations, the Licensees may be required to report monthly to the Airport Director the dollar volume of business in each category they are licensed for in such format as the Port may request. Those licensed for aircraft storage will also report the number of customers' aircraft stored. Licensees for line service will report the gallons of fuel sold. Licensees basing aircraft on the Airport and/or offering aircraft storage will file annually with the Airport Director the following information on each aircraft: registration number, make and model, and the owner's name and address. Business reports required under this section are for the Port's administrative use only in connection with these Business Rules and Regulations and will, to the extent permitted by law, remain confidential.
- 9.15 Inspection By The Port:** To the extent necessary to protect the rights and interests of the Port of Olympia, or to investigate compliance with the terms of these Minimum Standards and Business Rules and Regulations, the Airport Director, or designated employee of the Port of Olympia, and any other agent of the Port shall have the right to inspect, at all reasonable times, all Airport premises, together with all structures or improvements, and all aircraft, records and books, equipment, and all licenses, and registrations.

10. TERMINATION OF LICENSE:

10.01 Termination of License: A license may be terminated for any of the following:

Licensee Request: The Licensee may request termination by written request.

Making Assignment: The making by the licensee of any general assignment for the benefit of creditors without the written consent of the Port of Olympia.

Discontinuance or Abandonment: The abandonment or discontinuance of any permitted operation at the Airport by the Licensee or the failure to conduct said operations on a full time basis without the prior written approval of the Port of Olympia.

Default: Failure to promptly pay to the Port, when due, all rents, charges, fees, and other payments which are payable to the Port by the Licensee.

Violation of Rules: A violation of these Minimum Standards and Business Rules and Regulations or any other rules and regulations of the Olympia Regional Airport to which the Licensee is subject.

Violation of Lease Terms: A violation of any lease terms or development standards of the Port of Olympia.

Violation of Laws: Any violation of the laws of the United States or any of its political subdivisions

False Information: Any furnishing of any false information or misrepresentation of any material fact to the Port of Olympia in the application, supporting documents, or in statements to or before the Port of Olympia, or any failure to make full disclosure in the application, or supporting documents, or in statements to or before the Port of Olympia.

In The Event Of Termination: In the event of termination, the Licensee shall cease and desist all operations under the license or licenses affected and such licenses shall be surrendered to the Airport Director. Should the Licensee fail to do this, the Port of Olympia shall have the right, at once, and without further notice to the Licensee, to enter and take full possession of the space occupied by the Licensee on the Airport by force or otherwise, and with or without further legal process to expel, oust and remove any and all parties and any and all goods and chattels not belonging to the Port of Olympia that may be found within or upon the same at the expense of the Licensee and without being liable to prosecution or to any claim for damages therefore. Upon such termination by the Port of Olympia, all rights, powers, and privileges of the Licensee hereunder shall cease and the Licensee shall immediately vacate any space occupied by it under the agreement or any lease or leases and shall make no claim of any kind whatsoever against the Port of Olympia, its agents, or representatives by reason of such termination or any act incident thereto.

In addition to all other rights and remedies provided in these Minimum Standards and Rules and Regulations, the Port of Olympia shall have any and all other

remedies at law or without the necessity of posting bond in equity, including the equitable remedy of injunction, to enforce these rules and regulations.

11. WAIVER OF MINIMUM STANDARDS:

11.01 Waiver of Minimum Standards: The Port of Olympia may, in its discretion, waive all or any portion of the Minimum Standards and Rules and Regulations for the benefit of any commercial airline, any government, or governmental agency or department, or person performing nonprofit public services to the aircraft industry, or performing air search and rescue operations or performing fire prevention or fire fighting operations.

12. ACCEPTANCE OF AIRPORT RULES:

12.01 Acceptance of Airport Rules: The use of the Airport or any of its facilities in any manner shall constitute an acceptance by the user of the *Airport Rules and Regulations adopted by the Port Commission on August 27, 2012* and shall create an obligation on the part of the user to abide by and obey the *Airport Rules and Regulations*. Flight instructors shall have the duty to fully acquaint their students with these *Airport Rules and Regulations* and shall be responsible for the conduct of students under their direction.

13. APPLICABLE LAWS:

13.01 Applicable Laws: All penal laws of the State of Washington, Thurston County and the City of Tumwater are applicable to the area of the Airport, and any violators thereof are subject to arrest by authorized law enforcement officers.

14. PORT EXEMPT FROM LIABILITY:

14.01 Port Exempt From Liability: The Port of Olympia assumes no responsibility for injury to persons using the Airport facilities or for damage to property stored in facilities by reason of fire, theft, vandalism, weather, storm, flood, earthquake, or collision, nor does it assume any liability by reason of injury to persons while on the Airport or while using the facilities of same.

14.02 Hold Harmless: Airport tenants further covenant and agree that they will not hold the Port, or any of its agents, employees, or Commission members responsible for any loss occasioned by fire, theft, rain, windstorm, hail, or from any cause whatsoever, whether said cause be the direct, indirect, or merely a contributing factor in producing the loss to any aircraft, vehicle, personal property, parts or surplus that may be located or stored in any parking lot, hangar, plane port, office, ramp, tie-down area, or any other location of the

Airport; and tenants agree that aircraft and vehicles and their contents stored either inside or outside buildings are stored at tenant's risk.

14.03 Indemnification: Airport tenants agree to indemnify, defend, and save the Port, its agents, Commission members, representatives and employees harmless from and against any and all liability or loss resulting from claims or court action arising directly or indirectly out of the acts of tenants, their agents, servants, or guests under that tenancy or by reason of any act or omission of such person.

15. RESPONSIBILITY FOR DAMAGES:

15.01 Responsibility For Damages: The person or persons responsible for such destruction, injury or damage shall pay for any and all Airport property destroyed, injured or damaged.

16. SEVERABILITY:

16.01 Severability: If any section, sentence, clause or phrase of these *Airport Minimum Standards* is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of these *Airport Minimum Standards* or the *Airport Minimum Standards* as an entirety, it being the legislative intent that these *Airport Minimum Standards* shall stand notwithstanding the invalidity of such section, sentence, clause or phrase.

17. ENFORCEMENT:

17.01 Enforcement: In addition to any penalties otherwise provided by Port resolution, law and the Federal Aviation Regulations, any person violating these Minimum Standards, or failing or refusing to comply with these Minimum Standards may be promptly removed or ejected from the Airport by or under the authority of the Airport Director, or upon his order such person may be temporarily deprived of the further use of the Airport and its facilities pending presentation of the matter to the Commission.

Further violation and refusal to abide will be regarded as trespassing and the Port reserves the right to pursue enforcement through law enforcement action, up to and including criminal prosecution.

Such matters shall be presented to the Commission as soon as practicable and at least by the next regular meeting of the Commission, at which time the violator may appear before the Commission and show cause, if any, why he should not be deprived of the further use of the Airport and its facilities. Upon the order of

the Commission, such person may be deprived of the further use of the Airport and its facilities for such length of time as may be deemed necessary by the Commission to insure the safeguarding of the Airport, its operations and the public use thereof and the Port's interest therein.

18. SELF-FUELING & SELF-SERVICE:

18.01 Self-Fueling & Self-Service: Self-fueling means the fueling or servicing of an aircraft (i.e. changing the oil, washing) by the owner of the aircraft with his or her own employees and using his or her own equipment. Self-fueling and other self-services cannot be contracted out to another party. Self-fueling implies using fuel obtained by the aircraft owner from the source of his/her preference. Self-fueling, differs from using a self-service fueling pump made available by the airport, an FBO, or an aeronautical service provider. The use of a self-service fueling pump is a commercial activity and is not considered self-fueling as defined herein. In addition to self-fueling, other self-service activities that can be performed by the aircraft owner with his or her own employees includes activities such as maintaining, repairing, cleaning, and otherwise providing service to an aircraft, provided the service is performed by the aircraft owner or his/her employees with resources supplied by the aircraft owner.

19. GOVERNMENT AGREEMENTS:

19.01 Government Agreements: During time of war, or national emergency, the Port shall have the right to lease the Airport, or the landing area, or any part thereof to the United States Government for military use, and any license or authority granted under these rules and any lease or agreement executed pursuant thereto, shall be subject to such Government lease and the provisions of the Government lease shall control insofar as they are inconsistent with the said operator's agreement, lease or authority.

Any license, authority, lease, or agreement entered into pursuant to these regulations shall be subject and subordinate to the provisions of any existing or future agreement between the Port of Olympia and the United States, relative to the operation or the maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

20. AIRPORT LAYOUT PLAN:

20.01 Airport Layout Plan: The Port of Olympia reserves the right to alter the Airport Layout Plan and designate as common use areas such portions of any leased area or areas used by any licensed operator or other person licensed to do business on Olympia Regional Airport as shall be necessary for the development

of the Airport or for the flow of aircraft traffic to other areas on the Airport. Leases will be adjusted for such changes.

21. PROPRIETARY TYPE USER CHARGES:

21.01 Proprietary Type User Charges: Any person conducting any of the operations identified in **Section 6** will register with the Airport Director and will be subject to the payment of fees to the Port of Olympia as prescribed by the Port of Olympia. This does not prevent the Port of Olympia from entering into contracts with a commercial operator for a different fee and conditions.

21.02 Port Commission Adoption: Airport Proprietary Type User Charges are adopted by Port of Olympia Commission Resolution and are published in the Port of Olympia Annual Operating Budget and Capital Investment Plan.

21.03 Payments Due: Fees for aircraft storage, land, and buildings, etc., are due when billed and are considered delinquent by the last day of the month in which the billing takes place.

21.04 Application Fees: Fees, if any, for application for license to do business on Olympia Regional Airport are due with the submittal and apply to the original only. Any fixed annual license fees are due before exercising the right granted by the licensee. Fees for fuel flowage, percent of business, etc., are due at the end of the month incurred and delinquent at the end of the following month.

21.05 Fuel Flowage Fees: Fuel flowage fees apply to all fuel dispensed at Olympia Regional Airport. Fuel flowage fees are remitted to the Port by local aircraft service providers monthly.

21.06 Landing Fees: Landing fees apply to itinerant aircraft 12,500 lbs. gross weight and above. Landing fees are collected by the local aircraft service providers and are remitted to the Port monthly.

21.07 Concession Fees: Concession fees are applicable to non-aeronautical commercial activities, which may include any other wholesale, retail, or service business enterprise. Concession fees shall be set by the Port of Olympia Commission. Such concession fees may be equal to or greater than similar concession fees assessed at Air Carrier and Commercial airports in the State of Washington.

22. AIRPORT SECURITY:

22.01 Airport Security Plan: Airport Tenants and operators are responsible for compliance with the Airport Security Plan adopted by the Port of Olympia Commission in April, 2007. The Airport Security Plan requires all unattended gates to be closed and locked at all times. Operators are responsible for security of aircraft, vehicles, and persons within their leased areas. The Aircraft Owners and Pilots Association Airport Watch Program guidelines are recommended. Information on the AOPA Airport Watch Program is available online at <http://www.aopa.org/airportwatch/>.

22.02 Aircraft Emergency: In the event of an emergency, operators will secure gates in the security fence in their areas and restrain persons from going to an emergency scene so that emergency personnel will not be hampered. Operators will secure gates in accordance with the Commission adopted Airport Security Plan.

22.03 Vehicle Access Control: The Airport Director may require passes or an identification system for personnel and vehicles in certain areas of the Airport. All airport users must comply with established access control procedures. Vehicles entering or exiting secure areas shall pass the vehicle loop detectors and wait for the security gate to close, ensuring no follow through vehicles enter the secure area.

23. THROUGH THE FENCE OPERATIONS:

23.01 Through the Fence Operations: The obligation to make an airport available for the use and benefit of the public does not require the airport sponsor to permit ground access by aircraft from adjacent property. Through the fence operation are not authorized at the Olympia Regional Airport.

24. INDEPENDENT OPERATORS:

24.01 Independent Operators: Individual operators desiring to perform a single-service aeronautical activity on the airport (aircraft washing, maintenance, etc.), are required to obtain a License Agreement from the Port of Olympia that provides a level of regulation and compensation satisfactory to the Port. Depending on the type and frequency of activity either a yearly license fee or percentage of the gross receipts will be negotiated and proof of insurance is required.

25. SKYDIVING / SPORT PARACHUTE JUMPING:

25.01 Skydiving / Sport Parachute Jumping: Skydiving is an aeronautical activity. Any restriction, limitation, or ban on skydiving on the airport must be based on the grant assurance that provides that the airport sponsor may prohibit or limit aeronautical use for the safe operation of the airport (subject to FAA approval).

25.02 Formal Request: If a formal request for skydiving is received, the local Airport District Office (ADO) will be contacted to seek the assistance from FAA Flight Standards (FS) and Air Traffic (AT) to assess whether safe airport operations would be jeopardized. If it is determined that skydiving operations can be safely accommodated at the airport, a License Agreement from the Port of Olympia that provides a level of regulation and compensation satisfactory to the Port shall be negotiated. Proof of insurance is required.

25.03 Basic Safety Requirements: The operator shall meet or exceed the Basic Safety Requirements (BSR) of the United States Parachute Association (USPA), FAR 105 and related FAA Advisory Circulars. The jump plane pilot must hold an FAA Commercial Pilot Certificate and be appropriately rated for the aircraft being operated.

25.04 Designated Location: The operator shall confine its activities to a designated location on the airport.

25.05 Drop Zone: The drop zone shall be outside Class D airspace.

26. ULTRALIGHT VEHICLES & LIGHT SPORT AIRCRAFT:

26.01 Ultralight Vehicles & Light Sport Aircraft: The operations of ultralights and light sport aircraft are aeronautical activities. Request for these types of operations will be evaluated on a case by case basis with the assistance of the Air Traffic Control service provider. A published Landside Aircraft Launch Fee or vehicle parking fee may apply.

27. NON-AERONAUTICAL COMMERCIAL ACTIVITY:

27.01 Non-aeronautical Commercial Activity: Any specialized non-aeronautical services shall meet such requirements as may be prescribed by the Port of Olympia, including but not limited to, a License Agreement that provides a level of regulation and compensation satisfactory to the Port and proof of insurance.