

# **Airport Minimum Standards and Rules and Regulations**

McKinney City Code, Chapter 30 (formerly Chapter 7) – Aviation

## *Historical Notes:*

*The Code of Ordinances of the City of McKinney, Texas, Chapter 7, Articles I - VI, Sections 7-1 to 7-166 were repealed in their entirety on May 16, 2006 by the McKinney City Council and are replaced with a new Chapter 7, Articles I – IV, Sections 7-1 to 7-68.*

*CH. 1: Certain changes were made on September 5, 2006 to increase the number of Airport Board members from 5 to 7.*

*CH 2: On September 19, 2006, certain changes were made to the revised Minimum Standards to clean up language, clarify intent and add Sec. 7-22.1 to incorporate a \$100 foreign garbage pick up fee. It should be noted that language intended to incorporate a new comprehensive application and due diligence process in Sec. 7-39 and 40 was tabled for further Council discussion. This proposal was made to reduce the chances of the City wasting time with future unqualified applicants.*

*Ch3: On February 6, 2007, certain changes were made the revised Minimum Standards to enhance the information gathering capability of the application addressed in Sec. 7-39 & 40 as discussed in Ch. 2, above. It should also be noted that the Airport Board and Development Services Site Plan and Land Lease and Operating Agreement Approval Process (Approval Process) was also approved by resolution for the first time on this date, and continues to be referred to by the Minimum Standards.*

*Ch4: On October 16, 2007, Article II Sec. 30-23 and 30-24 were amended to create the McKinney Airport Development Corporation. The body was formed by the City Council to operate, maintain, develop and market the airport. Their initial challenge was to investigate commercial air service. During work sessions on October 9 and 10, 2008, the MADC drafted a strategic plan that focused on developing a premier GA reliever airport and considering commercial service as infrastructure improvements are made. (Ord No. 2007-10-102) It should also be noted that the Aviation Ordinance designation was changed from Chapter 7 to Chapter 30.*

*Ch5: On October 7, 2008, Sec. 30-205 was amended to omit the statement of the monetary Fuel Farm Pad Fee. All references to fees were transferred to Appendix A, Schedule of Fees.*

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## AVIATION

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## ARTICLE I. IN GENERAL

### **Sec. 30-1. Responsibility.**

As the owner of a federally obligated airport, the city is responsible for instituting airport rules and regulations for the safe operation of the airport and instituting minimum standards, which are intended to provide the threshold entry requirements for those wishing to perform commercial aeronautical activities for the provision of aeronautical services to the public on Collin County Regional Airport. (Ord. No. 2006-05-055, § 1(7-1), 5-16-2006)

### **Sec. 30-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandon* , as applied to property left at the airport, means that it has been left on city-owned property without consent of the city for a period of 48 hours without the owner moving or claiming it or on leased property without consent of the commercial aeronautical activity.

*Activity* means commercial aeronautical activity. Also refers to temporary commercial aeronautical activity (temporary activity).

*Air operations area (AOA) or airside* means all of the area contained within the perimeter security fence that requires access through a building, gate or other controlled access point.

*Air traffic control tower (ATCT or tower)* means the facility from which FAA-authorized personnel provide instructions to aircraft and approved vehicles operating on and/or within the vicinity of the airport movement areas via two-way radio communications or light-gun signals.

*Air traffic controller (ATC)* means FAA-authorized personnel who provide instructions to aircraft and approved vehicles operating on and/or within the vicinity of the airport movement areas via two-way radio communications or light-gun signals from the tower.

*Aircraft* means any contrivance intended or designed to be capable of atmospheric flight.

*Aircraft maintenance* means the repair, adjustment or inspection of aircraft as defined in Federal Aviation Regulation part 43.

(1) *Major repairs:* Major alterations or repairs to the airframe, power plant, propeller and accessories in accordance with Appendix A (a) to Part 43--Major Alterations, Major Repairs, and Preventive Maintenance, of the Federal Aviation Administration Regulations.

(2) *Minor repairs*: Preventative maintenance in accordance with Appendix A (c) to Part 43--Major Alterations, Major Repairs, and Preventive Maintenance, of the Federal Aviation Administration Regulations.

*Airport* means the area of land owned or leased by the city and known as the Collin County Regional Airport.

*Airport board* means the Collin County Regional Airport Board created by city Ordinance No. 2005-09-095 under the authority of the city's home rule charter and consistent with V.T.C.A., Transportation Code ch. 22.

*Airport Director* means the duly appointed person responsible for the overall operation and development of the airport, or the director's designated representative.

*Airport layout plan (ALP)* means the city council's most recently accepted scaled drawing of existing and proposed land and facilities necessary for the operation and development of the airport, which has been submitted to the FAA for approval or approved by the FAA.

*Airport operator* means the city.

*Airport sponsor* or *sponsor* means the airport owner, which is the city.

*Airworthy* means the aircraft must conform to its type certificate and be in condition for safe operation.

*Apron* means a paved area that is located adjacent to an aircraft hangar door and allows the maneuvering of aircraft to and from the hangar it serves.

*Building* means the main portion of each structure, all projections or extensions therefrom and any additions or changes thereto and shall include garages, outside platforms, docks, carports, canopies, eaves and porches.

*City* means the City of McKinney, Texas. Where approval, enforcement or other act on the part of the city is referred to herein, the city shall act by and through its city ordinances unless otherwise specifically indicated.

*Collin County Regional Airport* means all land and improvements owned or leased by the city comprising Collin County Regional Airport as it now exists or as hereafter may be expanded or developed.

*Commercial aeronautical activity (CAA)* means an entity that leases land from the city or a facility from another CAA and is approved to provide commercial aeronautical products or services to the public. Such activities

include, but are not limited to, fixed based operation (FBO), specialized aviation service provider (SASO) and limited aeronautical services provider (LASP).

*Commercial aeronautical service* means any aviation-related sales or support service that is offered to the public.

*Disabled aircraft* means an aircraft that has become disabled as the result of an incident, accident or for any other reason on any portion of the airport.

*Driver* means any person who drives or operates a vehicle upon public highways or within the AOA.

*Employee* means an individual who works for an aircraft owner, and for which the aircraft owner files federal income taxes and tax withholding with the IRS on behalf of the employee.

*Employee verification* means the filing by the airport director of form SS-8 (determination of worker status for purposes of federal employment taxes and income tax withholding) .

*Entity* means a person, firm, corporation or partnership.

*Equipment* means all machinery, together with the necessary supplies, tools and apparatus necessary to the proper conduct of the activity being performed.

*Escort* means a person and/or vehicle authorized to access the AOA who accompanies and is responsible for the actions of another person and/or vehicle that is otherwise not authorized to access the AOA.

*FAA* means the Federal Aviation Administration.

*Fixed-base operator (FBO)* means an entity which maintains facilities at the airport for the purpose of engaging in the retail sales of aviation fuels, oils and associated line service, aircraft airframe and engine repair and a minimum of two of the following: flight instruction/aircraft rental, aircraft sales, air taxi and aircraft charter operation, avionics, instrument or propeller repair or aircraft storage.

*Foreign object debris (FOD)* means any object that does not belong in or near airplanes and, as a result, can injure airport personnel and damage aircraft.

*Fuel farm* means a common use facility, sited on city-owned property, constructed for the installation of privately owned bulk fuel storage tanks and which facility is designed to contain fuel spills or leaks from entering the environment.

*Good neighbor and fly friendly initiatives* means a recommended and voluntary overflight or noise mitigation procedure or technique recommended by the airport director and posted in public places and in the offices of commercial aeronautical activities from time to time.

*Hangar* means a shelter and all required components constructed especially for storing aircraft.

*Improvements* means all buildings, structures and facilities, including pavement, fencing and signs constructed, installed or placed on, under or above any leased area by a lessee or as required by the city.

*Landside* means the common use areas of the airport that are open to the public and includes public roadways, parking lots and buildings not contained in the airside area.

*Lease* means a contractual agreement between the city and an entity granting a concession or otherwise authorizing the conduct of certain activities, which is in writing and enforceable by law.

*Maintenance hangar* means a shelter and all required components constructed especially for conducting the maintenance of aircraft.

*Movement area* means and includes the taxiways and runways, which require explicit authorization from ATC prior to entry during the ATCT's hours of operation.

*Non-movement area* means the apron, taxilanes and all other areas within the paved portions of the AOA where access and movement are not subject to ATC authorization.

*Person* means an individual, corporation, company, association, firm, partnership, society, government, tenant, lessee, concessionaire, passenger, visitor, customer, contractor, and other entities doing business on, employed at, or otherwise using city property as the context shall deem appropriate. The term "person" includes a trustee, receiver, assignee, successor or similar representative of any of them.

*Permit* means a certificate that accompanies a lease or other agreement that has received the approval of the city council.

*Ramp* means the area of the airport within the AOA designated for the loading, unloading, servicing and parking of aircraft.

*Repair facility* means a facility utilized for the repair of aircraft to include airframe, power plant, propellers, radios, instruments and accessories. Such

facility will be operated in accordance with pertinent local, state and FAA regulations.

*Resident* means a person or entity who resides in a particular place permanently or for an extended period in a private dwelling constructed for such purpose.

*Runway* means a portion of the movement area used for the takeoff and landing of aircraft.

*Self-fueling operator* means the fueling of an aircraft by the owner of the aircraft or by the owner's employee, using fuel obtained by the aircraft owner from the source of his preference. This operator is not a CAA.

*Specialized aviation service operator (SASO)* means a commercial aeronautical activity that provides or performs a single or limited service and/or product. Examples of a SASO include, but are not limited to those SASO activities defined in division 6 of article IV of this chapter.

*Sublease* means a lease granted by a lessee, with permission from the city, to another entity of all or part of the property.

*State* means the State of Texas, Department of Transportation, Division of Aviation.

*Taxilane* means the portion of the apron or non-movement area used by aircraft for access between taxiways and aircraft parking positions.

*Taxiway* means a portion of the movement area that is used for taxiing aircraft from one part of the airport to another.

*Temporary commercial aeronautical activity* means a SASO authorized by the city to operate on the airport for a temporary period not to exceed 180 consecutive days or until approval to operate as a CAA.

*Temporary specialized aviation service operator (TSASO)* means an entity, which may be engaged for hire by an aircraft owner on an as-needed basis. TSASO's are not classified as CAAs.

*Tie-down* means the area, paved, suitable for parking of aircraft, and/or wherein suitable tie-down points have been located.

*TxDOT Aviation* means the Texas Department of Transportation Division of Aviation.

*Unauthorized access* means to gain access to the AOA without properly using an airport authorized access control method, an escort or explicit authorization from the airport director to do so.

*Vehicle* means and includes automobiles, trucks, buses, motorcycles, tractors, all-terrain vehicles, golf carts or any other device in or upon which any person or property may be transported, other than aircraft.  
(Ord. No. 2006-05-055, § 1(7-2), 5-16-2006)

## ARTICLE II. AIRPORT BOARD AND AIRPORT DIRECTOR

### **Sec. 30-23. Creation, membership, duties and responsibilities of the McKinney Airport Development Corporation.**

(a) McKinney Airport Development Corporation created. There is hereby created the McKinney Airport Development Corporation ("MADC") under the authority of the City's Home Rule Charter and with Chapter 431 of the Texas Transportation Code and pursuant to its Articles of Incorporation and the procedures established in its corporate bylaws.

(b) The board shall initially consist of seven persons. Directors of the corporation ("director" or "directors") shall be appointed to the board as follows:

(1) The council shall appoint each director to the board. The number of directors shall increase or decrease at the council's discretion in accordance with the approved bylaws. The number of directors shall never be less than five persons, and the board shall always be composed of an odd number.

(2) For the initial board, the terms shall be staggered with three of the directors serving a two year term and the remaining four directors serving a full three year term. Thereafter, each director shall serve for a three year term, or until his or her successor is appointed by the council; provided, however, upon the death, resignation or removal of a director, the council shall appoint a replacement director to serve for the unexpired term of office of the replaced director. No term limits are imposed by this ordinance. Any restriction as to term is governed by the council.

(c) Any director may be removed from office at any time, with or without cause, by the council.

(d) The appointed directors shall satisfy the following criteria for appointment to the board:

(1) Four directors shall be either residents of the city or shall own or be employed by a business having one of its primary locations in the city; and

(2) Two directors shall be either residents of Collin County or shall own or be employed by a business having one of its primary locations in Collin County; and

(3) One director shall be a resident of the city.

(e) The directors may hold their meetings and may have an office and keep the books of the corporation at such place or places as the board may from time to time determine; provided, however, in the absence of any such determination, such place shall be at either CCRA or City Hall in the City of McKinney, Texas.

(f) The board shall meet in accordance with and file notice of each meeting of the board for the same length of time and in the same manner and location as is required of a city under Chapter 551, Texas Government Code (the "Open Meetings Act").

(g) The board is authorized to hire an executive director who shall serve at the pleasure of the board. The board shall establish the compensation, duties and other responsibilities of the executive director. The hiring and/or removal of the executive director shall be by a majority vote of a quorum of the board.

(Ord. No. 2006-05-055, § 1(7-3), 5-16-2006; Ord. No. 2006-09-105, § 2(7-3), 9-19-2006; Ord. No. 2007-10-102, § 2, 10-16-2007)

**Sec. 30-24. Duties and responsibilities of the executive director.**

(a) The executive director shall be the principal executive officer of the corporation and, subject to the control of the board, he or she shall be in general charge of the properties and affairs of the corporation. The executive director shall be an at-will employee of the board.

(b) The executive director shall be responsible for hiring and firing of the employees of the corporation.

(Ord. No. 2006-05-055, § 1(7-4), 5-16-2006; Ord. No. 2007-10-102, § 3, 10-16-2007)

### **ARTICLE III. AIRPORT RULES AND REGULATIONS**

#### **Sec. 30-52. Adopted.**

The rules and regulations for the Collin County Regional Airport are made a part of this article as if fully set forth herein.  
(Ord. No. 2006-05-055, § 1(7-5), 5-16-2006)

#### **Sec. 30-53. Purpose.**

Federal grant assurances impose the obligation on the airport operator to establish and enforce fair, equal and not unjustly discriminatory airport rules and regulations for the safe and efficient operation of Collin County Regional Airport. These rules and regulations, hereinafter referred to as regulations, are intended for the safe, secure, orderly and efficient use of the airport.  
(Ord. No. 2006-05-055, § 1(7-6), 5-16-2006)

#### **Sec. 30-54. Knowledge of rules implied.**

By publication of this article as required by law, all persons will be deemed to have knowledge of its contents. However, the office of the airport director, airport website and any and all commercial aeronautical activities and FBOs shall have copies of the article printed and at all times available in their office, and upon their request shall furnish such copies to owners and operators of aircraft using the airport.  
(Ord. No. 2006-05-055, § 1(7-7), 5-16-2006)

#### **Sec. 30-55. Conflict in rules.**

If and where there is conflict in these and the Federal Aviation Administration published policy and/or Federal Aviation Regulations, the latter shall prevail. The provisions of this article shall not in any way supersede the provisions of the building code, fire code, or other construction or safety-related codes.  
(Ord. No. 2006-05-055, § 1(7-8), 5-16-2006)

#### **Sec. 30-56. Use of airport restricted.**

No person, firm, association, corporation or entity, incorporated or otherwise, shall use the airport for the carrying on of any commercial activity unless authorized as provided for in the minimum standards for Collin County Regional Airport.  
(Ord. No. 2006-05-055, § 1(7-9), 5-16-2006)

#### **Sec. 30-57. Airport open on nondiscriminatory basis.**

Subject only to the provisions hereof, facilities on the airport shall be open to all classes of users on fair and not unjustly discriminatory bases.  
(Ord. No. 2006-05-055, § 1(7-10), 5-16-2006)

**Sec. 30-58. Overriding right of owner.**

Any clause herein to the contrary notwithstanding, the city reserves the right to develop and make any improvement to the airport or to make any repairs to the airport or any facility thereon that it deems is in its and the flying public's best interest and to make any change in any or all of the minimum standards or leases or rights granted retroactively when required by the FAA for compliance with the applicable grant provisions or related governmental policies and prospectively otherwise.

(Ord. No. 2006-05-055, § 1(7-11), 5-16-2006)

**Sec. 30-59. Standards and leases subordinate to agreements with state and United States.**

The airport was developed with aid from the state and the United States. Copies of such grants are available for review at the office of the airport director. These grants include a number of obligations and commitments to the general and flying public, to the state and to the United States. Any provision of these standards, any lease or any practice carried out on or for the airport shall be subordinate to and, if at variance with the grant requirements, unilaterally reformable at the owner's or the FAA's option for conformity with these grants.

(Ord. No. 2006-05-055, § 1(7-12), 5-16-2006)

**Sec. 30-60. Conformity with airport layout plan (ALP).**

The city, state and FAA have on file a copy of the most recent approved ALP for the airport. All development and activities on and proposed leases of portions of the airport must be in conformity with the ALP.

(Ord. No. 2006-05-055, § 1(7-13), 5-16-2006)

**Sec. 30-61. Noncompliance with minimum standards and rules and regulations.**

Any person, corporation or entity who fails to comply with any provision of the minimum standards provided for in this article shall, after due notice and adequate time to cure as recommended by the airport board and established by the city council, be barred from using or operating on or from the airport.

(Ord. No. 2006-05-055, § 1(7-14), 5-16-2006)

**Sec. 30-62. Applicability.**

These standards shall apply to all persons defined herein or as amended from time to time by the city. A person, by operating on or from the airport, thereby consents to be bound by these standards.

(Ord. No. 2006-05-055, § 1(7-15), 5-16-2006)

**Sec. 30-63. Civil rights.**

Persons using this airport shall comply with all provisions of the Civil Rights Act of 1964 and implement part 21 of the regulations of the U.S. Department of Transportation and are hereby specifically prohibited from

discrimination against any group or individual on the basis of race, creed, color, national origin or sex.

(Ord. No. 2006-05-055, § 1(7-16), 5-16-2006)

**Sec. 30-64. Complaints.**

The airport director shall investigate and respond to complaints against any commercial aeronautical activity. Such complaints shall be in writing, signed by the complainant and filed with the airport director. A copy of the written complaint shall be presented to those against whom it is directed as part of the investigation.

(Ord. No. 2006-05-055, § 1(7-17), 5-16-2006)

**Sec. 30-65. Compliance with ordinances, laws and regulations.**

All persons operating on the airport shall comply at their own expense with applicable state and federal laws and regulations and county and local ordinances.

(Ord. No. 2006-05-055, § 1(7-18), 5-16-2006)

**Sec. 30-66. Compliance with health, fire, construction and zoning codes.**

All persons using or operating from the airport shall comply with the requirements of all health, fire, construction and zoning codes and controls applicable to the airport and its operation.

(Ord. No. 2006-05-055, § 1(7-19), 5-16-2006)

**Sec. 30-67. Damages.**

Any clause herein or lease provision to the contrary notwithstanding, any person using this airport shall be chargeable for all damages to the airport or any property located thereon caused by such use and shall hold the city harmless from any payment therefor.

(Ord. No. 2006-05-055, § 1(7-20), 5-16-2006)

**Sec. 30-68. Hangar space.**

Except as otherwise provided in this section, no person may offer for hire on the airport any hangar or shelter for aircraft, related service equipment or surface vehicle unless it is the city or qualifies as a commercial aeronautical activity.

(Ord. No. 2006-05-055, § 1(7-21), 5-16-2006)

**Sec. 30-69. Landing fees.**

Except as provided in division 6 of article IV of this chapter, pertaining to commercial aeronautical activities, the fee due from any airport user for the right to land shall be as determined from time to time by city council.

(Ord. No. 2006-05-055, § 1(7-22), 5-16-2006; Ord. No. 2008-08-078, 8-19-2008)

**Sec. 30-70. Foreign garbage disposal fee.**

The operators of international arriving aircraft shall comply with all federal, state and local regulations pertaining to the collection and disposal of garbage contained on any aircraft originating outside of the United States. A foreign garbage collection fee as determined from time to time by city council shall be charged to offset the cost of collection, storage and disposal.

(Ord. No. 2006-09-105, § 2(7-22.1), 9-19-2006; Ord. No. 2008-08-078, 8-19-2008)

**Sec. 30-71. U.S. customs overtime fee.**

The operators of international aircraft shall comply with all federal regulations pertaining to U.S. customs inspections. A U.S. customs overtime fee as determined from time to time by city council shall be charged to offset the cost of inspection for international flights arriving before and after normal business hours, which are defined as 8:00 a.m. to 5:00 p.m. Monday through Friday, exclusive of holidays.

(Ord. No. 2006-11-125, § 2(7-22.2), 11-7-2006; Ord. No. 2008-08-078, 8-19-2008)

**Sec. 30-72. Licenses, certificates and authorizations.**

No person shall operate on or from the airport (whether for compensation or not) unless he possesses all licenses, certificates and authorizations required by these standards and the various governmental authorities for such operations.

(Ord. No. 2006-05-055, § 1(7-23), 5-16-2006)

**Sec. 30-73. Records required.**

Each person or other user of the airport having duty to pay any sums to the city shall keep records and books of the account in conformance with generally accepted accounting principles (on the operation of or relating to the airport) adequate to accurately reflect gross revenue, and said records and books shall be open to examination by the city or its authorized representative at any time.

(Ord. No. 2006-05-055, § 1(7-24), 5-16-2006)

**Sec. 30-74. Use of land within the airport.**

Property within the airport may be used only for aeronautical purposes unless approved by the city and the FAA.

(Ord. No. 2006-05-055, § 1(7-25), 5-16-2006)

**Sec. 30-75. General rules and regulations.**

The following rules and regulations shall pertain to and be observed in the use, operation and conduct of Collin County Regional Airport:

(1) *Federal Aviation Regulations*. Promulgated by the Federal Aviation Administration, the Federal Aviation Regulations are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

(2) *Safeguarding of persons and property.* The airport director shall at all times have authority to take such action as may be necessary to safeguard any person, aircraft, equipment or property at the airport.

(3) *Environmental compliance.* All persons using or operating from the airport shall be familiar with and comply at their own expense with all requirements of the airport's stormwater pollution prevention plan (SWPPP) and spill prevention and countermeasure control plan (SPCC), which include, but are not limited to:

a. Construction and maintenance of facilities and infrastructure (public or private);

b. Application for a notice of intent (NOI) or no exposure certification (NEC), annual training, preparation and implementation of procedures, certification of nonstormwater discharges, collection and testing of stormwater samples, implementation of good housekeeping measures and/or best management practices and maintenance of records;

c. Wet aircraft washing shall be accomplished so that all runoff is collected and disposed of in a manner acceptable to the airport director and is in accordance with federal, state and local laws; and

d. No person may discharge any nonpermitted nonstormwater discharges or hazardous materials onto the airport or its navigable waterways. Any person who discharges any hazardous materials must follow established spill response procedures and promptly abate, remediate and remove said hazardous materials.

(4) *Registration of aircraft.* Registration numbers of all aircraft based at Collin County Regional Airport shall be registered with the airport director. Commercial aeronautical activities, limited commercial aeronautical activities, flying clubs and private hangar and aircraft owners harboring aircraft at the airport shall report each based aircraft on January 1 of each year.

(5) *Foreign object debris (FOD).* No person shall leave FOD in open outside areas of the airport. (See definition of "Foreign object debris" in section 30-2.)

(6) *Vehicular traffic.* No person shall operate a vehicle on the airport AOA except in accordance with the following rules in addition to federal, state and local laws:

a. Only persons with a valid operator's license recognized by the state shall be permitted to operate a vehicle on the AOA;

b. All vehicles operating on the AOA shall maintain the minimum amount of liability insurance required by state or local law;

c. No vehicle shall gain unauthorized access to the AOA;

d. With the exception of EMS and official airport vehicles in the conduct of airport business, no vehicle shall be operated on the non-movement area at a speed in excess of 15 miles per hour without the written authorization of the airport director;

e. Aircraft, emergency vehicles and pedestrians always have the right-of-way;

f. Each driver using a city-owned automated vehicle gate shall ensure the gate closes completely behind their vehicle prior to leaving the vicinity of the gate to ensure that no unauthorized vehicles or persons gain access to the AOA;

- g. Vehicles shall not be operated in a reckless or careless manner. A reckless and careless manner is one that intentionally or through negligence threatens the life or safety of any person or threatens damage or destruction to property;
  - h. No vehicle shall be operated on the airport except for those in sound mechanical condition with operable headlamps and taillights at night and during periods of reduced visibility. This regulation shall not apply to golf carts, aircraft tugs and wheelchairs;
  - i. Each driver is responsible for the actions of passengers and vehicles under his control or escort while on the AOA;
  - j. No person shall operate a vehicle on the movement area except for those trained by the airport director that also meets each of the following requirements:
    - 1. All vehicles must be equipped to maintain two-way communications with the ATCT and be marked or lit in accordance with FAA guidelines, or be escorted by another vehicle so equipped;
    - 2. Only government, law enforcement, emergency vehicles or other vehicles with written authorization from the airport director shall be permitted to operate a vehicle on the movement area; and
    - 3. All vehicles must obtain clearance prior to entering the movement area and maintain communications with the ATCT at all times when operating in the movement area. When the ATCT is closed, FAA procedures for uncontrolled airports apply;
  - k. With the exception of vehicles parked in hangars the airport director may remove or cause to be removed from any city owned or leased property at the airport any vehicle that is disabled, abandoned, parked in violation of these regulations or which presents an operational hazard, at the operator's expense and without liability for damage which may result in the course of such removal.
- (7) *Vehicle parking.* No vehicle shall park:
- a. In any area for more than 48 hours, except in those locations designated for vehicle parking by the airport director or CAA; or
  - b. In a movement area or in a manner that interferes with normal aircraft maneuvering or operations.
- Vehicles parked, stored or abandoned contrary to the provisions of this subsection are parked illegally.
- (8) *Limits on weight of surface vehicles.* The owner or operator of any vehicle operated on any paved or treated aircraft movement or parking area shall ensure that such vehicle does not have dual-wheeled axle loadings greater than that provided for in construction plans certified by a professional engineer.
- (9) *Damage to airport property.* Any person damaging any land-based city-owned improvements or land by operation of an aircraft, motor vehicle or otherwise shall immediately report to the airport director. Repair of such damage shall be ordered and accomplished by the airport director. The person responsible for said damage shall pay the city the full cost for repairs upon receipt of an invoice from the city.
- (10) *Removal of disabled aircraft.* The operator, owner or other designated representative of a disabled aircraft resulting from an accident or incident shall be responsible for the prompt removal of such aircraft and parts thereof from any

portion of the airport only when directed to do so by the airport director. The airport director shall not commence such removal until the FAA and/or National Transportation Safety Board have released the aircraft, unless the airport director declares an emergency that requires the removal of said aircraft prior to its release. In the event of failure to comply immediately after said direction from the airport director, the aircraft may be removed at the expense of the operator, owner or designated representative without liability to the city for damage or loss which may result during the course of such removal.

(11) *Access rights.* No access rights to the Collin County Regional Airport from adjacent properties shall be granted without prior written approval from both the TxDOT and the FAA.

(Ord. No. 2006-05-055, § 1(7-26), 5-16-2006; Ord. No. 2006-09-105, § 2(7-26), 9-19-2006)

### **Sec. 30-76. Aircraft ground operations.**

(a) *Tie-down of aircraft.*

(1) All aircraft not hangared shall be tied down or secured when unattended and during inclement weather.

(2) No person other than the airport director or his authorized representative may collect a tie-down fee per night or per month for each aircraft tied down.

(3) Unattended aircraft shall be secured either by tie-down or wheel chocking.

(b) *Running aircraft engines.*

(1) No engine shall be operated inside any hangar unless the hangar is equipped for such operation.

(2) No aircraft shall be left unattended with engines operating.

(c) *Taxiing aircraft.*

(1) Aircraft shall be taxied at speeds that will ensure complete control at all times.

(2) No aircraft shall be taxied except on areas designated for taxiing.

(3) There shall be no taxiing of aircraft by engine power into or out of hangars.

(d) *Parking aircraft.*

(1) The airport director may remove or cause to be relocated on the airport or removed from any city-owned or city-leased property at the airport any aircraft that is abandoned, parked in violation of these regulations or which presents a security, fire or operational hazard, at the operator's expense and without liability for damage which may result in the course of such removal. This does not pertain to aircraft stored in hangars.

(2) Aircraft shall not be parked in a movement area, or in such a manner as to hinder the normal maneuvering or operation of other aircraft unless specifically authorized by the airport director or ATC as an emergency measure.

(3) All aircraft shall be parked in the areas designated for that purpose by the airport director.

(e) *Responsibility of owner.* The aircraft owner or his agent is responsible for his aircraft.

(f) *Arrangement requirements.* No aircraft shall be parked at or on the airport unless its owner or operator has made arrangements with the city or a commercial aeronautical activity.

(g) *Aircraft parking/tie-down.* No person may offer to provide or may use any tie-down space unless the tie-down space has at least three-point tie-downs, which can accommodate ropes or chains adequate to hold aircraft immobile in whole gale-force winds (55 to 63 mph).

(h) *Illegal.* Aircraft parked, stored or abandoned contrary to the provisions of this section are illegal.

(Ord. No. 2006-05-055, § 1(7-27), 5-16-2006)

### **Sec. 30-77. Landing and takeoff regulations.**

(a) *Authority to suspend operations.* The airport director or ATC may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

(b) *Wind conditions.* When wind conditions are less than five miles per hour or such that an indication of wind direction is not given by the wind indicator, it is recommended that landings and takeoffs be made to the south. Landing and takeoff direction shall be determined solely by the air traffic control tower during ATCT operating hours.

(c) *Maximum permitted weight of aircraft; exception.* Unless approved in writing by the airport director, no aircraft weighing in excess of existing design capabilities shall land at Collin County Regional Airport, with the exception of an emergency landing of a distressed aircraft to save life or property.

(d) *Approaches.*

(1) *Non-air traffic control tower hours.* During the hours that the ATCT is closed, FAA procedures for noncontrolled airports apply; position reporting will be on the tower frequency.

(2) *Aeronautical information manual and applicable federal law applies.* All approaches shall be made in accordance with federal law and guidelines as provided in the aeronautical information manual and other official federal aviation publications with appropriate care and instrumentation as is available.

(e) *Traffic pattern.*

(1) *Intersection takeoffs.* Unless instructed otherwise by ATC, intersection takeoffs will be permitted at the pilot's discretion.

(2) *Nonrunway takeoffs.* Unless approved by ATC, no fixed-wing takeoffs or landings shall be made on taxiway. Takeoffs on taxilanes, access taxiways, aprons or parking ramps are prohibited.

(3) *Pattern altitudes.* The recommended traffic pattern altitude is 1,600 feet MSL for nonturbine and 2,100 feet MSL for turbine aircraft.

(4) *Non-radio-equipped aircraft.* Pilots of non-radio-equipped aircraft must coordinate their traffic intentions with air traffic control prior to operating in the Collin County Regional Airport class D airspace.

(5) *Nonstandard traffic pattern.* Unless instructed otherwise by ATC, any aircraft landing to the north should maintain a nonstandard flow of traffic, right turns to avoid over flight of densely populated areas west of the airport.

(6) *Special traffic procedures.* The airport director may, in the interest of safety, designate special traffic procedures for certain operations, such as an air show, agricultural operations, banner towing, etc.

(f) *Student pilots.*

(1) Student pilots should be familiar with these rules and regulations.

(2) Students should be knowledgeable of the Collin County Regional Airport good neighbor and flying friendly initiatives.

(Ord. No. 2006-05-055, § 1(7-28), 5-16-2006)

### **Sec. 30-78. Fire regulations.**

(a) Every person going upon or using the airport or its facilities in any manner shall exercise the greatest care and caution to prevent fire.

(b) Aircraft shall not be fueled while the engine is running unless approved by an authorized and permitted fuel service provider or while in any hangar or other enclosed place.

(c) Smoking or an open flame within 50 feet of the fuel farm, any aircraft or fuel truck is prohibited.

(d) No one shall smoke or ignite a match or lighter in any building, except where specially permitted by the airport director.

(e) Compressed flammable gas or other flammable liquids shall not be kept or stored upon the airport, except at such place as may be designated by the airport director.

(f) No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building, except at such place as may be designated by the airport director.

(g) Fire lanes shall be kept clear at all times.

(h) The floors in all buildings shall be kept clean and free from oil. No volatile, flammable substance shall be used for cleaning the floors.

(i) No grass and weeds more than 12 inches high as determined by the airport director or his designee.

(Ord. No. 2006-05-055, § 1(7-29), 5-16-2006)

### **Sec. 30-79. Approved aircraft maintenance area.**

Aircraft maintenance of any type shall be conducted inside of a hangar unless certain portions of such maintenance must be conducted in an open outside area, such as an engine run-up or instrument calibration. The exception is maintenance performed on aircraft that are too large for a hangar. In this case only, the airport director may waive this requirement.

(Ord. No. 2006-05-055, § 1(7-30), 5-16-2006)

### **Sec. 30-80. Aircraft owner-performed maintenance.**

(a) Aircraft owners may perform maintenance on their own aircraft in hangars which they own or they lease with the written permission of the hangar lessor.

(b) An aircraft owner's maintenance may be conducted using an aircraft owner's employee, but such maintenance shall be conducted using the aircraft owner's equipment. (Ord. No. 2006-05-055, § 1(7-31), 5-16-2006)

**Sec. 30-81. Waste oil stations.**

(a) Waste oil stations are provided solely for the disposal of waste aircraft engine oil and are for the exclusive use of airport tenants.

(b) Waste oil stations shall be used in accordance with the rules posted at each station.

(c) Any person violating this section shall be responsible for all charges incurred during the proper disposal of such illicit waste.

(Ord. No. 2006-05-055, § 1(7-32), 5-16-2006)

**Sec. 30-82. Security.**

All CAA's shall control their leasehold so as to prevent unauthorized access to the AOA. Controls may include physical barriers, access control devices or procedures acceptable to the airport director. The city reserves the right to install, operate and maintain security devices on the CAA's property or leasehold at the cost of the city. Such installation will be coordinated in advance with the CAA in writing.

(Ord. No. 2006-05-055, § 1(7-33), 5-16-2006)

**Sec. 30-83. Restricted areas.**

No person shall enter the AOA except as necessary for the lawful use of an aircraft, for the conduct of official airport business or for the conduct of an approved commercial aeronautical activity. No person shall enter any area of the airport posted as being closed to the public unless otherwise approved in writing by the airport director.

(Ord. No. 2006-05-055, § 1(7-34), 5-16-2006)

**Sec. 30-84. Access codes and devices.**

Persons who have been provided either a code or device for the purpose of obtaining access to the AOA shall use that code or device and shall not divulge, duplicate or otherwise distribute the same to any other person unless otherwise approved in writing by the airport director.

(Ord. No. 2006-05-055, § 1(7-35), 5-16-2006)

Secs. 30-85--30-112. Reserved.

## **ARTICLE IV. MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES**

### **DIVISION 1. GENERALLY**

#### **Sec. 30-113. Purpose.**

These minimum standards are intended to provide threshold entry requirements for those wishing to perform commercial aeronautical activities, which provide aeronautical products and services to the public, at Collin County Regional Airport.

(Ord. No. 2006-05-055, § 1(7-37), 5-16-2006)

#### **Sec. 30-114. Commercial aeronautical activity and temporary commercial aeronautical activity.**

No person may conduct any commercial aeronautical activity, or offer or provide any goods or services for compensation unless that person is the city or has been approved to perform as a commercial aeronautical activity or temporary commercial aeronautical activity.

(Ord. No. 2006-05-055, § 1(7-38), 5-16-2006)

Secs. 30-115--30-141. Reserved.

### **DIVISION 2. APPLICATION AND APPROVAL PROCESS**

#### **Sec. 30-142. Application to perform commercial aeronautical activities.**

(a) All entities applying to conduct a commercial aeronautical activity or construct facilities and infrastructure on the airport shall complete a standard application and follow the site plan and lease and operating agreement approval process (approval process) also referred to in section 30-144.

(b) In lieu of its review of the standard application, with prior approval of the city council, the airport board may require the review of a comprehensive application and conduct of due diligence by an outsourced third party for the applicant for a fixed base operation and any aeronautical development requiring more than five acres of airport property or exceeding \$10,000,000.00 in construction cost.

(c) If approved, applicants required to complete a comprehensive application shall reimburse the city for all costs associated with such application. Payment shall be made by cashier's check or certified funds made payable to "City of McKinney, Texas" and delivered to the office of the airport director before submittal of a site plan to the development services division for appropriate action.

(d) The city manager may adjust or waive the standard or comprehensive application requirement upon a showing of good cause based on a review of all significant facts surrounding an applicant.

(e) Classifications of commercial aeronautical activity applicants for standard applications. For purposes of completing the application process, applicants requesting to develop facilities and operate a business on the airport shall be classified into one of three categories of commercial aeronautical activities:

(1) An applicant that constructs facilities or infrastructure and conducts an aeronautical activity on the airport shall complete an application in accordance with this section and the site plan and lease and operating agreement approval process referred to in section 30-144.

(2) An applicant that is a commercial aeronautical activity intending to lease facilities and infrastructure from the city may be required to follow the application procedures in subsection (e)(1) of this section.

(3) An applicant that conducts a commercial aeronautical activity and leases facilities and infrastructure from an existing, approved commercial aeronautical activity shall complete a standard application and shall first receive the written approval of the city to operate at the airport. The approved commercial aeronautical activity (lessor) shall be responsible for the applicant's financial due diligence.

(f) Standard applications to perform commercial aeronautical activities on the airport are available in the airport administration office or on the airport website and shall require, at a minimum, the following information:

- (1) Purpose of the application;
- (2) Complete contact information;
- (3) Corporate headquarters contact information;
- (4) Proposed aeronautical activity/business to be offered;
- (5) Proposed commencement date of business;
- (6) Anticipated number of employees and estimated payroll;
- (7) Size and location of land to be leased from the city or an authorized commercial aeronautical activity;
- (8) Description of buildings and improvements to be constructed or leased;
- (9) Estimate of assessed value of the proposed structure;
- (10) Estimate of value of equipment to be located within the proposed structure, excluding aircraft;
- (11) Number and type of aircraft to be used in the business/activity;
- (12) Current year assessed tax value of aircraft to be based at Collin County Regional Airport;
- (13) Proposed business hours of operation;
- (14) Types and amounts of insurance coverage to be maintained;
- (15) Copy of business plan to include detailed three-year pro forma;
- (16) Evidence of financial responsibility from a bank or from such other sources that may be readily verified through normal banking channels;
- (17) Evidence of the ability to obtain a bond or irrevocable letter of credit from a commercial bank rated B or better by a nationally recognized rating agency (that guarantees the timely, full, and faithful performance of the applicant's construction obligations) in the amount equal to the cost of the proposed capital improvements;
- (18) Detailed statement of the applicant's past experience in the proposed aviation services (list name of business and dates of operation);
- (19) Provide business references to include the names and contact information for all airports where applicant has leased property or developed facilities and engaged in commercial aeronautical activities; if none, provide the names and

contact information of three business references and three personal references other than immediate family;

(20) A preliminary project site plan and elevation drawing should be attached to each application; and

(21) Attach a nonrefundable cashier's or certified check in the amount as determined from time to time by city council to this application made payable to the "City of McKinney." Submit the application to the office of the airport director. (Ord. No. 2006-05-055, § 1(7-39), 5-16-2006; Ord. No. 2007-02-011, § 2(7-39), 2-6-2007; Ord. No. 2008-08-078, 8-19-2008)

**Sec. 30-143. Application to perform temporary commercial aeronautical activity.**

(a) An application to perform as a temporary commercial aeronautical activity on the airport shall be the same as the application to perform commercial aeronautical activities in section 30-142(e)(2) and (3), except that this approval shall be granted by the city manager upon certification of the following minimum due diligence requirements and recommendation of the airport board:

(1) Receipt of an original or certified copy of a certificate of insurance from the applicant's insurance provider for coverage applicable to the activities being conducted;

(2) Verification of the validity of local, state and federally required and issued licenses and permits; and

(3) Verification that applicant has acquired appropriate space or facilities on the airport from which to conduct its activity.

(b) This authorization is limited to a maximum of 180 days or until the applicant has been approved as a commercial aeronautical activity by the city. A one-time 30-day extension may be applied for and approved by the city on a case-by-case basis.

(c) This section does not apply to applicants described in section 30-142(e)(1) or those applying to perform a fixed-base operation or any development requiring more than five acres of airport land or exceeding \$10,000,000.00.

(Ord. No. 2006-05-055, § 1(7-40), 5-16-2006; Ord. No. 2007-02-011, § 2(7-40), 2-6-2007)

**Sec. 30-144. Site plan and land lease agreement approval process.**

Each applicant shall follow the process established by the airport board and approved by the city council for site plan and land lease and operating agreement approval, which may change from time to time.

(Ord. No. 2006-05-055, § 1(7-41), 5-16-2006)

**Sec. 30-145. Permit to perform as a temporary SASO.**

Any entity desiring to perform as a temporary SASO at the airport shall submit a written permit application in the form of a letter to the airport director. Included with the application, each applicant shall submit:

(1) Proof of insurance to conduct its business or services in the form of an original certificate of insurance showing the coverage and in the amounts

specified for the services provided in the schedule of minimum insurance requirements in section 30-292. The certificate of insurance shall be delivered to the airport director by the insurance provider via USPS or facsimile; and

(2) Current licenses and certificates issued by the Federal Aviation Administration or qualified flight surgeon indicating that the permittee is qualified to provide the proposed aeronautical services. Furthermore:

- a. Valid certificates and licenses shall be kept on file by the airport director;
- b. Permits shall be valid as long as insurance and licenses remain in force or valid; and
- c. Permits may be renewed by the submittal of renewed certificates of insurance and licenses.

(Ord. No. 2006-05-055, § 1(7-42), 5-16-2006)

Secs. 30-146--30-173. Reserved.

### **DIVISION 3. CONTRACTS AND CONSTRUCTION REQUIREMENTS**

#### **Sec. 30-174. Written contract.**

Prior to the commencement of operation, a commercial aeronautical activity will be required to enter into a contract with the city that will recite the terms and conditions under which the activity will operate a business on the airport, including, but not limited to, detailed contract terms, conditions, rentals, fees, charges and the rights and obligations of the respective parties. Neither the conditions therein stated nor those set forth in these minimum standards represent a complete recitation of the provisions to be included in the written contract. Such contract provisions, however, will neither change nor modify the minimum standards nor be inconsistent therewith.

(Ord. No. 2006-05-055, § 1(7-43), 5-16-2006)

#### **Sec. 30-175. Lease terms.**

Leases to commercial aeronautical activities shall be limited to a maximum of 40 years and shall not be less than five years. All terms, conditions and escalators will be outlined in the lease contract and will follow local, state and federal policy.

(Ord. No. 2006-05-055, § 1(7-44), 5-16-2006)

#### **Sec. 30-176. Exclusive rights.**

The city is empowered by the FAA to ensure that no person may be granted in fact or by written instrument any exclusive right prohibited by 49 USC 40103(e). Therefore, the city declares that if the state and/or FAA determine any provision of a written instrument or a practice in fact constitutes a grant of a prohibitive exclusive right, such provision or grant shall be deemed null and void for all purposes.

(Ord. No. 2006-05-055, § 1(7-45), 5-16-2006)

**Sec. 30-177. Responsibilities.**

All commercial aeronautical activities shall abide by and comply with all federal, state, county and city laws and ordinances, including, but not limited to, the minimum standards of the Collin County Regional Airport and the state and the Federal Aviation Administration as they are changed from time-to-time.  
(Ord. No. 2006-05-055, § 1(7-46), 5-16-2006)

**Sec. 30-178. Subleasing.**

(a) No commercial aeronautical activity shall sublease or sublet any premises leased by such activity from the city or assign any such lease without the prior written approval and notification of the city, and any such subletting or assignment shall be subject to all the minimum standards herein set forth. This does not apply to the rental of office space to an aeronautical activity or hangar space to aircraft owners or operators.

(b) In the event that the lessee sublets any portion of his lease, the sublessee must agree to assume the full obligations of the lease as set out herein and must agree to fully cooperate with the city in seeing that these standards are complied with. The sublessee shall immediately comply with any reasonable request or direction of the city as it relates to the enforcement of these standards.

(c) Only approved commercial aeronautical activities may lease or sublease buildings from the city or another approved commercial aeronautical activity.

(d) A commercial aeronautical activity subleasing from another commercial aeronautical activity may use that commercial aeronautical activity's facilities to meet the requirements for office space, customer lounges, restrooms, telephones and paved aircraft apron as set forth in division 6 of this article with such commercial aeronautical activity's written permission, a copy of which shall be provided the airport director.

(Ord. No. 2006-05-055, § 1(7-47), 5-16-2006)

**Sec. 30-179. Accommodations.**

Commercial aeronautical activities shall provide an area or areas sufficient to accommodate the activities being performed. Such areas shall be in compliance with this Code.

(Ord. No. 2006-05-055, § 1(7-48), 5-16-2006)

**Sec. 30-180. Building structure and improvement standards.**

(a) *Improvements prohibited.* No person may construct, allow or maintain any improvement unless specifically authorized by the city, state, and FAA.

(b) *Residences prohibited.* No persons will be allowed to construct or establish living quarters nor may they reside in an airport facility except for authorized emergency services personnel who reside in authorized areas on the airport.

(c) *Improvement construction.* All improvements must receive city approval and appropriate construction permits and FAA form 7460-1 prior to construction start.

(d) *Improvement maintenance.* Improvements shall be maintained in a serviceable, neat and orderly condition, wear and tear excepted. The airport director may determine whether improvements require maintenance care.

(e) *Improvement application.* All persons desiring to construct an airport improvement shall complete an application as described in section 30-142.

(f) *Minimum requirements.* In no event shall the city authorize construction, erection or continued presence of a structure unless it is of permanent metal and/or masonry construction, has paved floors, conforms to planning and zoning requirements and, as a minimum, meets applicable building, fire and other codes or standards applicable in the city and/or on the airport.

(g) *Construction of new improvements subject to airport master plan and ALP.* For construction of any new improvements, all private entities, commercial aeronautical activities and applicants for the same will be subject to the airport master plan and ALP, unless the city approves and requests an ALP change from the FAA, and the same standards of development as are contained in division 6 of article IV of this chapter.

(h) *City-owned land and improvements.* With the exception of FBOs, anyone wishing to lease land from the city for purposes of private development or to conduct a commercial aeronautical activity, shall lease a minimum of one acre of land, which shall be developed with approved structures. Ninety percent of the lease land must be developed to maximize land use and avoid excessive green space or land banking. FBOs shall be required to meet the land lease requirements of section 30-234.

(i) *Approval process.* The approval process by the city of all new airport construction will be conducted using the site plan and land lease and operation agreement approval process as established by the airport board, approved by city council and changed from time-to-time, which is available in the airport administration office at Collin County Regional Airport. This process includes actions by the city's development services division where all site and construction plans shall be reviewed in accordance with the city Code and policy. City approval and appropriate development fees will be acquired and paid for prior to construction start.

(j) *Payment and performance bonds required.* All developers of infrastructure of any kind on airport property shall be required to furnish the city payment and performance bonds commensurate with any construction required under the standards herein fixed or under any contract or lease by and between such developer and the city.

(k) *Authorized activities only.* Commercial aeronautical activities shall not engage in any business or activity on the airport other than that authorized under their particular category or categories. A commercial aeronautical activity desiring to extend its operation by expansion or sublease into more than one category or to discontinue operations in a category shall first make application on an appropriate form in writing to the city for permission to do so, setting forth in detail the reasons and conditions for the request. The city shall then grant or deny the request on such terms and conditions as the city deems to be prudent and proper under the circumstances.

(Ord. No. 2006-05-055, § 1(7-49), 5-16-2006)

**Sec. 30-181. Personnel.**

(a) Commercial aeronautical activities shall have in their employ and on duty during operating hours trained personnel in such numbers as are required to meet the minimum standards and requirements set forth herein, in an efficient manner, for each aeronautical service being performed. Each commercial aeronautical activity shall also provide a responsible person on the premises to supervise the operations in the leased area if required and with authorization to represent and act for and on behalf of the commercial aeronautical activity during all appropriate business hours.

(b) All personnel hereafter are required to hold FAA certificates as they are required by federal law.

(Ord. No. 2006-05-055, § 1(7-50), 5-16-2006)

**DIVISION 4. FUELING REQUIREMENTS**

**Sec. 30-201. Permit required.**

Entities desiring to engage in any kind of fueling operation at Collin County Regional Airport shall not do so without first applying for and receiving a fueling operations permit from the city.

(Ord. No. 2006-05-055, § 1(7-51), 5-16-2006)

**Sec. 30-202. Application; issuance and renewal.**

(a) An applicant for the issuance or renewal of a fueling operations permit shall file with the city an application form provided for that purpose, which must be signed by the applicant.

(b) When an application has been filed with the city, the city shall make an inspection of such equipment and site for the proposed fueling operations in order to ensure compliance with all applicable fire and safety laws, ordinances or regulations.

(c) The city shall issue or renew a fueling operations permit within 30 days of receipt of an application unless one or more of the following is found to be true:

- (1) The applicant has failed to provide required information or has provided false information in his application;
- (2) The applicant's proposed fueling operations will violate an applicable law, ordinance or regulation;
- (3) The applicant has had a fueling operation permit revoked or suspended within the two years preceding the date of the application; or
- (4) The applicant has failed to meet the minimum requirements of this division.

(Ord. No. 2006-05-055, § 1(7-52), 5-16-2006)

**Sec. 30-203. Display required.**

A permittee shall display a fueling operations permit issued by the city in a conspicuous place on the permittee's airport premises at all times.

(Ord. No. 2006-05-055, § 1(7-53), 5-16-2006)

**Sec. 30-204. Fueling requirements for FBO only.**

(a) The FBO shall demonstrate that satisfactory arrangements have been made with an aviation petroleum distributor for the delivery and maintenance of adequate inventory of fuel and oil in such quantities as are necessary to meet the demand of the aircraft they plan to service.

(b) Aviation fuel and oil delivered to the FBO by a vendor will be considered by the city to be fuel and oil dispensed by the FBO when calculating the fuel flowage fee.

(c) The FBO shall provide an adequate number of mobile fuel trucks for each type of fuel offered, which shall include, as a minimum, avgas and turbojet fuel, capable of safe and efficient servicing of those general aviation aircraft they plan to service.

(d) The FBO shall own or lease an adequate number of metered filter-equipped, aboveground storage tanks for each type of product provided, to be located in the city's secondary containment area.

(e) All into-plane delivery of fuels shall be performed on approved public property.

(f) All into-plane delivery of fuels shall only be performed on the permittee's leased premises or with the written permission of a lease holder.

(Ord. No. 2006-05-055, § 1(7-54), 5-16-2006)

**Sec. 30-205. Both FBO and self-fueling operators.**

(a) *Sale of fuel.* Only an approved FBO may sell any type of fuel used by aircraft or ground vehicles.

(b) *Restrictions on self-fueling operators.* A permittee for self-fueling operations shall not dispense aircraft fuel to another airport user. Dispensing aircraft fuel under the authority of this permit is limited to the permittee's exclusive use or aircraft owned or leased by the permittee.

(c) *Fuel flowage fees.* All fueling operators shall pay the city fuel flowage fees. Those fees will be outlined according to contract negotiated with the city. Such fuel flowage fees shall increase according to requirements as outlined in the lease contracts. Fuel flowage fees shall be adjusted at the end of each three years to charges as may then be established; provided, however, that such fuel flowage fees shall be determined on a comparable basis to similar facilities at similar airports in the adjacent areas. The fuel flowage fees shall be calculated and paid monthly based on bulk fuel delivery invoice.

(d) *Fuel farm pad fee.* All fueling operators shall pay the city fuel farm pad fees. Those fees may be charged according to a contract negotiated with the city. If a fueling operator does not have a contract negotiated with the city for fuel farm fees, then the fueling operators shall pay the city a sum as determined from time to time by city council per tank per month for each tank installed at the city-owned fuel farm. Payment of fees shall be made to the city on or before the tenth day of each month for the previous month's use without notice or demand. All payments shall be made to the city and sent to the attention of the airport director at the business offices of the Collin County Regional Airport.

(e) *Facilities and equipment.* The following requirements regarding fueling facilities and equipment are applicable to both FBO's and self-fueling operators:

(1) Fuel may not be stored in any hangar or aircraft storage facility by any owner or operator;

(2) No one shall transport fuel onto the airport property except by approved and permitted fuel-transport equipment;

(3) Fueling of aircraft shall conform to the provisions set forth in this division;

(4) All fuel storage locations shall be designated by the city and illustrated on the approved airport layout plan;

(5) A state and FAA approved off-airport user having a minimum of 40 acres in its off-airport parcel may apply to the city for a fuel storage location on such parcel subject to all airport/fueling regulations, other city, state or federal regulations relating to fueling and zoning and site plan approval;

(6) A fuel storage tank for each type of fuel stored shall be installed aboveground by a permittee in a central, city-owned secondary containment area;

(7) The minimum capacity of each tank shall be 10,000 gallons;

(8) Notwithstanding subsection (e)(7) of this section a permittee shall be allowed to use mobile dispensing trucks (owned by or leased to such permittee) to transfer fuel from its bulk fuel storage tanks to its owned or leased aircraft;

(9) For each type of fuel dispensed, a permittee shall have separate, filter-equipped dispensing pumps and meters;

(10) The permittee shall have at least one fuel dispensing truck for each type of fuel used or have installed at his own expense a fuel line to a remote dispensing area on his leased parcel. Such pipeline shall be installed in accordance with all federal, state and local laws, ordinances and guidelines after receipt of written approval by the city;

(11) A permittee shall maintain all fueling facilities in a safe and clean condition equal in appearance and character to other similar airport improvements;

(12) A permittee shall promptly repair any damage caused by the permittee, the permittee's employees, agents, patrons and guests;

(13) A permittee shall replace any fueling facility improvement in the fuel farm which has been destroyed by fire, explosion, weather conditions or disaster within 60 consecutive calendar days of such destruction unless waived in writing by the airport director; and

(14) Upon written notice, a permittee shall perform any reasonable facility maintenance that the city determines is necessary. If a permittee fails to undertake such maintenance within ten days of receipt of the written notice, the city may perform the maintenance and/or revoke or suspend the permit. If maintenance is performed by the city, the permittee shall reimburse the city for the cost of the maintenance performed.

(f) *Records and monthly reports.*

(1) A permittee shall maintain accurate records of all fuel delivered and dispensed and shall allow the city or a designee to inspect its records at any time during normal business hours.

- (2) A permittee shall, each month, submit to the city a copy of the original report received from the permittee's supplier showing the amount of fuel delivered.
- (3) A permittee shall, each month, submit to the city a report of fuel dispensed.
- (4) An applicant for a permit to conduct self-fueling operations shall submit to the city the registration numbers of all aircraft owned or leased to be fueled. Upon the receipt of a permit to dispense fuel, the permittee shall submit to the city a report of fuel dispensed by aircraft registration number.
- (g) *Audit.* A permittee shall allow its records of fueling operations to be audited at any time during normal business hours either by a representative of the city or by an independently certified public accountant selected by the city.
- (h) *Cancellation of permit by permittee.* A permittee may cancel its fueling operations permit upon 30 days' written notice to the city.
- (i) *Assignment and transfer of permit prohibited.* A fueling operations permit is not assignable or transferable.
- (j) *Revocation or suspension of permit.* The city may revoke or suspend a fueling operations permit if it is determined that:
  - (1) The permittee has violated any provision of this division and has not made needed corrections in a timely manner as directed by the city;
  - (2) The permittee has given false or misleading information to the city during the application process;
  - (3) The permittee has intentionally or knowingly impeded a lawful inspection by the city or other person authorized to inspect the fueling operations of the permittee; or
  - (4) The permittee has, within a 12-month period, committed two or more violations of this division and has failed to make needed corrections in a timely manner as directed in writing by the city.
- (k) *Fueling of aircraft.* All aircraft refueling operations shall be conducted in accordance with the current edition of NFPA 407 Standard for Aircraft Fuel Servicing.  
(Ord. No. 2006-05-055, § 1(7-55), 5-16-2006; Ord. No. 2006-09-105, § 2(7-55), 9-19-2006; Ord. No. 2006-11-124, § 2(7-55), 11-7-2006; Ord. No. 2008-08-078, 8-19-2008)

## **DIVISION 5. FIXED-BASE OPERATOR (FBO)**

### **Sec. 30-234. Definition; scope; minimum standards; insurance.**

- (a) *Definition.* The term "fixed-base operator (FBO)" means a commercial aeronautical activity that provides retail services and products to the general public.
- (b) *Scope.* The FBO shall be required to perform the following activities and services:
  - (1) The retail sale of aviation fuels;
  - (2) Customer line service;
  - (3) Aircraft airframe and engine repairs and maintenance; and
  - (4) At least two of the following commercial aeronautical activities:
    - a. Flight instruction/aircraft rental;

- b. Aircraft sales;
- c. Aircraft charter operations;
- d. Avionics, instrument or propeller repair;
- e. Aircraft storage; or
- f. Other commercial aeronautical activities, which are construed by the city as complementary and/or supportive of airport/aviation activities.

(c) *Minimum standards.*

(1) *Land lease and improvements.*

- a. The initial minimum land to be leased shall be five acres of which improvements shall comprise at least 90 percent of the area leased.
- b. The FBO shall be required to lease a minimum of one acre and improve 90 percent of such lease for any expansion or subsequent improvements that are not contiguous (separated by other leaseholds, taxilanes, taxiways and vehicle roads that are part of the public domain) to its leasehold on city property.
- c. For expansions that are contiguous to existing leasehold and located on city property, the FBO shall be restricted to lease and develop the amount of land that can be justified for use for its operation and shall not leave more than ten percent of the total land leased as undeveloped.
- d. Principal buildings planned for occupancy by an FBO shall be at least two percent of the area leased in which adequate space will be allocated and utilized for crew/passenger lounge facilities, public restrooms and administration offices, which shall be heated and air conditioned.
- e. The FBO shall provide a minimum of 20 standard tie-downs to accommodate itinerant and based aircraft or lease from the city adequate paved tie-down facilities and provide equipment, including ropes, chains, wheel chocks and other types of restraining devices to adequately secure aircraft.
- f. One large hangar with a minimum of 10,000 square feet of hangar floor space is required and should be leased or provided, within which aircraft maintenance and associated services may be performed. Suitable inside and outside storage space for aircraft will be provided.
- g. Provide and maintain a proper wash rack facility for use by the general public.

(2) *Fueling operation required.*

- a. The FBO shall:
  - 1. Abide by the fueling requirements in division 4 of this article;
  - 2. Lease from the city a pad site in the city-owned and operated secondary containment area; and
  - 3. Provide for secondary containment for aircraft fueling vehicles, if required by law.
- b. Fueling and into-plane delivery of aviation fuels shall be provided by the FBO seven days a week and as a minimum during ATCT hours of operation. The airport director must approve deviations from the hours of operation in writing.

(3) *Line services required.*

- a. The FBO may provide aircraft-to-lounge ground transportation for transient passengers and pilots.

b. The FBO shall provide adequate towing equipment to safely and efficiently move aircraft as necessary.

c. The FBO shall provide proper and approved equipment for basic aircraft repairs.

(4) *Aircraft airframe and engine repair required.*

a. The FBO shall provide at least one FAA-certificated repairman whose sole responsibility is aircraft repair and who shall be on duty for a minimum of eight hours a day, five days a week.

b. The FBO shall comply with FAR part 43.

c. The FBO may outsource maintenance and repair services it does not provide.

(5) *Electives; commercial aeronautical activities.* The FBO may provide or outsource any two of the following required activities or services. When outsourcing such services, the FBO shall remain responsible for the quality and provision of such services or products rendered.

a. *Aircraft storage.* The FBO shall maintain hangar space to accommodate itinerant and based aircraft.

b. *Flight instruction/aircraft rental.*

1. The FBO shall maintain an adequate number of aircraft for flight instruction and rental.

2. The FBO shall provide sufficient flight and ground instructors who have been properly certificated by the FAA to provide the type of training offered.

3. The FBO shall maintain its premises open for flight training to meet the public demand for this category of service.

4. The FBO shall provide at a minimum the office, classroom, and briefing room space required by 14 CFR 141 (with adequate training aids) to support flight-training activity.

c. *Aircraft sales.*

1. The FBO shall provide a suitable office for consummating sales and recordkeeping in connection therewith.

2. The FBO shall have adequate certificated and airworthy aircraft of which at least one can be used for demonstration purposes.

3. The FBO shall maintain current, up-to-date specifications, price lists, checklists and operations manuals for all types of model aircraft sold or rented.

d. *Air taxi and charter.*

1. The FBO shall provide a counter area for the proper check-in of passengers and baggage adjacent to its lounge facilities.

2. The FBO shall provide proper security screening in accordance with federal, state and local regulations and guidelines.

3. The FBO shall maintain a minimum of one aircraft properly certificated with sufficient and properly qualified pilot personnel to support its charter operations.

e. *Avionics, instrument or propeller repair.*

1. The FBO shall provide a minimum of one person properly certificated to perform the repair and whose sole responsibility is avionics, instrument or propeller repair.

2. The FBO shall maintain adequate tools, equipment and devices necessary to provide the maintenance services offered.

3. The FBO shall maintain an adequate supply of spare parts and accessories necessary to provide the services offered.

f. *Notification of other commercial aeronautical activities.* As a matter of courtesy, the FBO should notify the airport director within 48 hours of providing any CAA not listed in this section.

(6) *Miscellaneous requirements.*

a. The FBO shall have the right to sublease to noncommercial operators a portion of the improvements on the leased premises for the purpose of aircraft storage.

b. The FBO shall receive the prior written approval of the city for all other sublease agreements.

c. The FBO may outsource the following services through sublease or contractual arrangements with city-approved commercial aeronautical activities. However, this does not relieve the FBO from ensuring conformance with the standards contained herein either through any other commercial aeronautical activity or as an integral portion of the FBO operation.

(d) *Insurance.* The FBO's insurance provider shall provide certificates of insurance providing the coverage and amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-56), 5-16-2006)

## **DIVISION 6. SPECIALIZED AVIATION SERVICES OPERATION (SASO)**

### **Sec. 30-262. Airframe and power plant repair SASO.**

(a) *Generally.* A maintenance facility is a SASO certified to operate under FAR 43 and providing one or a combination of airframe and power plant repair services. This category of service will also include the sale of aircraft parts and accessories.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which will be erected a hangar (or sublease facilities from another commercial aeronautical activity) to:

a. Provide sufficient floor space to service customer aircraft within the confines of the hangar;

b. Provide accommodations for a business office and shop;

c. Provide a customer lounge that shall be properly furnished, heated, air conditioned and lighted, with restrooms for customer use. The customer lounge shall have direct airside access and direct landside access to adequate customer parking; and

d. Provide for a paved tie-down area with paved access to airport taxiways, to park customer aircraft that are awaiting maintenance or customer pick-up sufficient in number to support the demand of their business.

(2) *Scope of service.* The SASO shall:

a. Provide at least one FAA-certificated repairman whose sole responsibility is aircraft repair and who shall be on duty for a minimum of eight hours a day, five days a week;

- b. Comply with FAR part 43; and
  - c. Have an employee in the office at all times during posted business hours.
- (c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.  
(Ord. No. 2006-05-055, § 1(7-57), 5-16-2006)

**Sec. 30-263. Avionics, instrument accessory and/or propeller repair SASO.**

(a) *General.* An avionics, instrument and/or propeller repair SASO is engaged in the business of and providing services for the repair of aircraft radios and electrical systems, instruments, propellers and accessories for aircraft. This category includes the sale of aircraft parts and accessories of the type aircraft and components repaired.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which shall be erected a hangar (or sublease facilities from another commercial aeronautical activity) to:

- a. Provide sufficient floor space to service customer aircraft within the confines of the hangar;
- b. Provide accommodations for a business office and shop;
- c. Provide a customer lounge that shall be properly furnished, heated, air conditioned and lighted with restrooms for customer use and shall have direct airside access and direct landside access to adequate customer parking; and
- d. Provide for a paved tie-down area with paved access to airport taxiways, to park customer aircraft that are awaiting maintenance or customer pick-up sufficient in number to support the demand of their business.

(2) *Scope of service.* The SASO shall:

- a. Provide at least one FAA-certificated repairman whose sole responsibility is aircraft repair and who shall be on duty for a minimum of eight hours a day, five days a week;
- b. Comply with FAR part 43; and
- c. Have an employee in the office at all times during posted business hours.

(c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.  
(Ord. No. 2006-05-055, § 1(7-58), 5-16-2006)

**Sec. 30-264. Charter and air taxi SASO.**

(a) *Generally.* An aircraft charter and air taxi SASO is engaged in the business of providing air transportation under FAR part 135 for persons or property to the general public for hire, either on a commercial charter basis or as an air taxi.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which will be erected a hangar or building (or sublease a facility from another commercial aeronautical activity) to:

a. Provide a business office and a customer lounge which shall be properly furnished, heated, air conditioned and lighted, with restrooms for customer use. The customer lounge shall be appropriately sized for passenger security screening and have direct airside access for passenger enplaning and direct landside access to customer parking; and

b. Provide for hangar space or a paved tie-down area with paved access to taxiways sufficient in number to accommodate its aircraft.

(2) *Scope of service.* The SASO shall have and provide evidence of an FAR part 135 and/or FAR part 121 certificate, whichever is applicable.

(c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-59), 5-16-2006)

### **Sec. 30-265. Aircraft rental SASO.**

(a) *Generally.* An aircraft rental SASO is an entity engaged in the rental of aircraft to the public.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which will be erected a hangar or building (or sublease a facility from another commercial aeronautical activity) to:

a. Provide for a business office and a customer lounge which shall be properly furnished, heated, air conditioned and lighted, with restrooms for customer use. The customer lounge shall have direct airside access for customer use and direct landside access to customer parking;

b. Provide for a paved tie-down area with paved access to airport taxiways in numbers to support the demands of their business; and

c. Provide or lease hangar space or provide or lease a paved tie-down area with paved access to taxiways sufficient in number to accommodate its rental aircraft.

(2) *Scope of service.* The SASO shall:

a. Have available for rental an adequate number of aircraft, all certificated and airworthy;

b. Have its premises open during posted business hours; and

c. Provide an employee to be in attendance in the facility office at all times during the posted business hours.

(c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-60), 5-16-2006)

### **Sec. 30-266. Aircraft sales SASO.**

(a) *Generally.* An aircraft sales SASO is engaged in the sale of new or used aircraft through franchises or a licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise and provides such repair, services and parts as necessary to meet any guarantee or warranty on new or used aircraft sold by it.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which will be erected a hangar, maintenance hangar or a building (or sublease a facility from another commercial aeronautical activity) to:

a. Provide a business office and a customer lounge that shall be properly furnished, heated, air conditioned and lighted, with restrooms for customer use. The customer lounge shall have direct airside access for customer use and direct landside access to customer parking; and

b. Provide for hangar space or paved tie-down area with paved access to taxiways sufficient in number to accommodate its rental aircraft.

(2) *Scope of service.* The SASO shall:

a. Provide or have available on call sufficient aircraft of each model offered for sale for the purpose of demonstration;

b. Employ or have available on call a sufficient number of pilots, who shall be current in all models to be demonstrated;

c. Provide necessary and satisfactory arrangements for repair and service of their sold aircraft but only for the duration of the guarantee or warranty period;

d. Have its premises open and services available to meet public demand for this category of service during posted business hours; and

e. Have an employee in the business office at all times during the posted business hours.

(c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-61), 5-16-2006)

### **Sec. 30-267. Flight training SASO.**

(a) *Generally.*

(1) A flight training SASO is an entity engaged in instructing pilots in fixed or rotary wing aircraft, and provides such related ground school instruction as is necessary.

(2) This activity may also provide aircraft rental service.

(3) A person holding a current FAA flight instructor's certificate who gives occasional flight instruction (does not proactively make available flight instruction to an aircraft owner in the aircraft owner's aircraft) shall not be deemed a CAA or required to meet CAA minimum standards.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The SASO shall lease from the city an area of land on which will be erected a hangar or building (or sublease a facility from another commercial aeronautical activity) to:

a. Provide for a business office and a customer lounge that shall be properly furnished, heated, air conditioned and lighted with restrooms for customer use. The customer lounge shall include a student debriefing area and classroom and have direct airside access for customer use and direct landside access to customer parking;

- b. Provide for a paved tie-down area with paved access to airport taxiways in numbers to support the demands of their business; and
- c. Provide or lease hangar space or provide or lease a paved tie-down area with paved access to taxiways sufficient in number to accommodate its training aircraft.

(2) *Scope of service.* The SASO:

- a. Shall have available for use in flight training, either owned or under written lease to the lessee, certificated and currently airworthy aircraft;
- b. Shall have in its employ sufficient flight and ground instructors;
- c. Shall have its premises open and services available to meet the public demand for this category of service during posted business hours;
- d. Shall have an employee in the business office at all times during the posted business hours; and
- e. May engage in the maintenance of only those aircraft either owned or under written lease within an approved maintenance hangar.

(c) *Insurance coverage.* The activity's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-62), 5-16-2006)

**Sec. 30-268. Multiple commercial aeronautical activities SASO.**

(a) *Generally.* An activity in this classification offers a combination of commercial aeronautical activities as defined in this division. As a condition of the right to engage in any combination of activities, the minimum standards relevant to all of them must be met.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The minimum standard for each commercial activity proposed will be reviewed to ensure that the combined group space and improvements required for the proposed activities adequately serve the needs of the airport and its patrons.

(2) *Scope of service.*

- a. The activity shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each commercial aeronautical activity for which the lessee is responsible.
- b. The activity shall adhere to the hours of operation required for each commercial aeronautical activity for which the lessee is responsible.
- c. The activity shall have in its employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards for each commercial aeronautical activity the lessee is performing as hereinbefore provided. Multiple responsibilities may be assigned to meet personnel requirements for each commercial aeronautical activity being performed.
- d. The activity shall comply with the minimum requirements for each commercial aeronautical activity to be performed except as hereinafter provided.
- e. Multiple uses may be made of all aircraft except aircraft used for crop dusting, aerial application or other commercial use of chemicals.

f. Except when performing combinations of activities for which the aircraft are not required, the activity shall have available and based at the airport, either owned by or under written lease to the lessee, sufficient certificated and airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as hereinbefore provided for each aeronautical activity to be operated.

g. The activity shall have and provide evidence of all government issued certificates required for its various activities.

(c) *Insurance coverage.* The activity's insurance provider shall provide certificates of current insurance coverage in an amount equal to the highest individual insurance requirement stipulated in the schedule of minimum insurance requirements in section 30-292 for the commercial aeronautical services being performed.

(Ord. No. 2006-05-055, § 1(7-63), 5-16-2006)

**Sec. 30-269. Aircraft hangar operator SASO.**

(a) *Generally.* This SASO is engaged in the ownership or lease of aircraft hangars providing aircraft storage for its tenants, which may be another commercial aeronautical activity.

(b) *Minimum standards.*

(1) *Ground space and improvements.*

a. Without exception, the SASO shall lease from the city a minimum of one acre of land, which will be developed with approved hangars.

b. Ninety percent of the leased land must be developed.

c. The activity shall provide or lease a paved access area to accommodate aircraft movement from its facilities to the taxiways.

(2) *Scope of service.* The SASO:

a. Shall have its premises open and services available to meet the demand for its services.

b. Shall provide a contact for customer service.

(3) *Subleasing.*

a. The SASO may sublet hangar space to noncommercial activities for aircraft storage without the approval of the city; however, any such subletting shall be subject to all minimum standards herein set forth.

b. The SASO may sublet hangar space to other commercial aeronautical activities only after the prospective tenant has satisfied the requirements of the minimum standards.

(c) *Insurance coverage.* The SASO's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-64), 5-16-2006)

## **DIVISION 7. SPECIALIZED COMMERCIAL SERVICES OPERATORS**

### **Sec. 30-287. General.**

The following specialized commercial service operators are entities that operate on such limited terms as not to be considered commercial aeronautical activities.

(Ord. No. 2006-05-055, § 1, 5-16-2006)

### **Sec. 30-288. Limited specialized commercial aeronautical services.**

(a) *Generally.* A specialized commercial aeronautical service is engaged in aircraft support service or in air transportation for hire for the purpose of providing the use of aircraft for the aeronautical activities listed below:

- (1) Nonstop sightseeing flights;
- (2) Aerial photography or survey;
- (3) Aerial firefighting;
- (4) Utilities patrol;
- (5) Aerial applicators (see special requirements below); and
- (6) Other miscellaneous activities directly related to aircraft support or transportation service.

(b) *Minimum standards.*

(1) *Ground space and improvements.* The service shall lease or sublease, as the case dictates, space and facilities adequate for its operations from the city or an approved commercial aeronautical activity.

(2) *Scope of service.*

a. When required by the nature of its operation, the service shall provide and have based on its leasehold, either owned or under written lease to the lessee, an adequate number of aircraft which will be airworthy and meeting all FAA requirements and applicable regulations of the state with respect to the type of activity to be performed.

b. The service shall provide by means of an office, telephone, computer, or point of contact for the public desiring to utilize the lessee's services.

c. The service shall have and provide evidence of all proper FAA certificates required by the activity.

(3) *Special requirements of aerial applicators.*

a. No person may use the airport for loading, unloading, or air frame/hopper/tank washdown, other than engine repair, of any aircraft used to apply any insecticide, fungicide, rodenticide or herbicide, unless he first gets special written permission from the city.

b. The city shall not grant such permission unless the applicant follows procedures for and obtains authorization to operate as a mobile aeronautical service provider.

c. The applicant agrees to and (if not provided by the city or a commercial aeronautical activity) actually does provide, at his own expense a paved work area with adequate provisions to collect all debris, liquids and other materials from such aircraft and deposit the same in a container and dispose of the same

in a manner approved by the federal and state air and water quality control agencies.

(c) *Insurance coverage.* The activity's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-65), 5-16-2006)

**Sec. 30-289. Temporary specialized aeronautical service operator (TSASO).**

(a) *Generally.* The city recognizes that aircraft operators using the airport may require specialized assistance with the care and maintenance of their aircraft from time to time. The city may allow an aircraft owner or operator to solicit and utilize the services of a permitted TSASO to provide said services.

(b) *Minimum standards.*

(1) *Ground and space improvements .* TSASOs shall conduct their activity in the aircraft owner's owned hangar or a leased hangar with the written permission of the lessor.

(2) *Scope of service.* TSASO shall operate for hire on the airport only when permitted by the city through the application using the requirements outlined in section 30-145.

(Ord. No. 2006-05-055, § 1(7-66), 5-16-2006)

**Sec. 30-290. Commercial flying clubs.**

(a) *Generally.*

(1) In an effort to foster and promote flying for pleasure, develop skills in aeronautics, including pilotage, navigation, and an awareness and appreciation of aviation requirements and techniques, the category of commercial flying club (club) is established.

(2) Clubs desiring to base their aircraft and operate on the airport must comply with the applicable provisions of this section.

(3) Entities that cannot fulfill the conditions contained herein shall be considered commercial aeronautical activities and shall meet the applicable requirements of a SASO as defined in division 6 of this article.

(b) *Minimum standards.*

(1) The club shall be organized for the express purpose of providing its members with an aircraft for their personal use and enjoyment only. Operation of commercial flying clubs shall be not-for-profit. Proof of such operation may be by virtue of the clubs organization as an Internal Revenue Service (IRS) recognized not-for-profit entity, or through submittal of the clubs latest IRS tax return.

(2) The ownership of the aircraft must be vested in the name of the club or a parent organization or owned ratably by all of its members or may be leased for the exclusive use of club members.

(3) The club shall not offer or conduct services to the public such as aircraft maintenance, charter, air taxi, or rental of aircraft operations excluding introductory flights.

(4) The club shall not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft.

(5) Flight instruction may be given by appropriately certificated flight instructors in club aircraft to club members only. Flight instructors shall be active registered members of the flying club in which the instruction is being given.

(6) A properly qualified mechanic who is a registered member of the flying club shall not be restricted from doing maintenance work on aircraft owned or operated by the club, provided such maintenance is performed in an approved facility.

(7) The club and its members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the airport except that said flying club may sell or exchange its capital equipment.

(8) The club shall lease from an approved commercial aeronautical activity an office for scheduling and conducting club business or shall maintain a computer on the airport for aircraft scheduling that is easily accessible to members.

(9) The club shall furnish the airport director a copy of its charter and bylaws, articles of association, partnership agreement or other documentation supporting its existence and a roster, or list of members, including names of officers and directors, to be revised on a semi-annual basis.

(c) *Insurance coverage.* The club's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-67), 5-16-2006)

### **Sec. 30-291. Flying clubs.**

(a) *Generally.*

(1) In an effort to foster and promote flying for pleasure, develop skills in aeronautics, including pilotage, navigation, and an awareness and appreciation of aviation requirements and techniques, the category of flying club (club) is added to this division.

(2) Clubs desiring to base their aircraft and operate on the airport must comply with the applicable provisions of this section. However, they shall be exempt from commercial aeronautical activity requirements upon satisfactory fulfillment of the conditions contained herein.

(3) Entities that cannot fulfill the following conditions shall be considered under the provisions of commercial aeronautical activities and shall meet the applicable requirements of a SASO as defined in division 6 of this article.

(b) *Minimum standards.*

(1) The club shall be a nonprofit entity (corporation, association or partnership) organized for the express purpose of providing its members with aircraft for their personal use and enjoyment only.

(2) The ownership of the aircraft must be vested in the name of the flying club or a parent organization (or owned ratably by all of its members).

(3) The property rights of the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.).

(4) The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.

(5) The club shall not offer or conduct charter, air taxi, or rental of aircraft operations.

(6) The club may not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft.

(7) The club shall not permit its aircraft to be utilized for the giving of flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instructions except when instruction is given by a commercial aeronautical activity. Flight instructors may be compensated by credit against dues or flight time.

(8) Any certificated mechanic who is a registered member and part owner of the aircraft owned and operated by the flying club shall not be restricted from doing maintenance work on aircraft owned or operated by the club inside of a hangar as approved in writing by the hangar owner or lessor and the club does not become obligated to pay for such maintenance work except that such mechanics may be compensated by credit against payment of dues or flight time.

(9) The club and its members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the airport except that said club may sell or exchange its capital equipment.

(10) The club shall furnish the airport director a copy of its charter and bylaws, articles of association, partnership agreement or other documentation supporting its existence and a roster, or list of members, including names of officers and directors, to be revised on a semi-annual basis.

(c) *Insurance coverage.* The club's insurance provider shall provide certificates of insurance providing the coverage and in the amounts specified in the schedule of minimum insurance requirements in section 30-292.

(Ord. No. 2006-05-055, § 1(7-68), 5-16-2006)

**Sec. 30-292. Schedule of minimum insurance requirements; type and limits required.**

The schedule of minimum insurance requirements pursuant to this chapter shall be as follows:

TABLE INSET:

Type of operation		Amount of coverage (Combined single limit)
(1)	<i>Fixed base operator.</i>	
	a. Commercial general aviation liability policy including, but not limited to, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operators	\$5,000,000.00
	b. Hangar keeper's liability	\$1,000,000.00
	c. Workers' compensation	Statutory
	d. Employers' liability	\$1,000,000.00
(2)	<i>Airframe and power plant repair; avionics, instrument or propeller repair.</i>	
	a. Aviation general liability insurance including premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to	\$1,000,000.00

		be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operations	
	b.	Hangar keeper's liability	\$1,000,000.00
	c.	Workers' compensation	Statutory
	d.	Employers' liability	\$1,000,000.00
(3)	<i>Air taxis and charter.</i>		
	a.	Hull all risks and hull war risks and allied perils coverage: Aircraft third party, property damage, passenger, baggage, cargo and mail and aviation general liability insurance including, but not limited to, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operators operating similar aircraft, engaged in similar business, and similarly situated operations	\$1,000,000.00
	b.	Workers' compensation	Statutory
	c.	Employers' liability	\$1,000,000.00
(4)	<i>Aircraft rental; flight training; commercial flying club.</i>		
	a.	Hull all risks and hull war risks and allied perils coverage: Aircraft third party, property damage, passenger, baggage, cargo and mail and aviation general liability insurance including, but not limited to, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability,	\$1,000,000.00

		contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operations	
	b.	Student and renter's liability	\$100,000.00
	c.	Workers compensation	Statutory
	d.	Employers' liability	\$1,000,000.00
(5)	<i>Specialized aviation services operation (SASO).</i>		
	a.	Hull all risks and hull war risks and allied perils coverage: Aircraft third party, property damage, passenger, baggage, cargo and mail (if aircraft used in operations) and aviation general liability insurance including, but not limited to, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operations	\$1,000,000.00
	b.	Workers' compensation	Statutory
	c.	Employers' liability	\$1,000,000.00
(6)	<i>Clubs.</i>		
		Aviation general liability insurance including, but not limited to, premises liability, products and completed operations liability, personal injury, on airport auto liability, contractor's liability, and contractual liability (but in respect of products	\$1,000,000.00

	and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operations	
(7)	<i>Hangar operation.</i>	
	Aviation general liability insurance including, but not limited to, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operations	\$1,000,000.00
(8)	<i>Special instructions.</i>	
	a. Any operator self-fueling shall have a minimum general liability policy with the coverage outlined in the Collin County Regional Airport rules and regulations	\$2,000,000.00
	b. Any operator using service vehicles on airport premises in support of its operations shall maintain the following additional coverage: Motor vehicle liability	\$1,000,000.00
	c. See section 30-293 for a listing of required special insurance provisions.	

(Ord. No. 2006-05-055, attach. I, 5-16-2006)

**Sec. 30-293. Insurance certificate requirements; types and limits required.**

Insurance certificates providing the coverage and provisions indicated below shall be provided by commercial aeronautical activities (operators) to the city with the coverage set forth in this section. Note: Submittal of insurance certificates shall be reviewed and approved by the city's risk manager.

(1) *Hull all risks and aircraft hull war risk and allied perils insurance.*

- a. The operator shall carry hull all risks of loss or damage while flying and on the ground with respect to aircraft operating on Collin County Regional Airport;
- b. Hull war risk and allied perils, being such risks excluded from the all risks hull insurance policy to the fullest extent available from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly

situated operators operating similar aircraft, engaged in similar business, and similarly situated operations;

c. The all risk hull insurance policy and war risk insurance policy shall in addition include the following endorsements or extensions of coverage:

1. In the event of any material change, restriction or reduction in coverage or in the event of cancellation of the insurance, written notice of such change, restriction or reduction in coverage or cancellation of said insurance shall be mailed to the airport manager for the city at the following address:

Collin County Regional Airport

222 N. Tennessee Street

McKinney, Texas, 75069

Attn: Airport Director

Facsimile: (972) 542-6686

Telephone: (972) 562-4214

Such notice shall state when, not less than 30 days (seven days or such notice as is available in respect of war clauses) after receipt of said written notice; such change, restriction, reduction in coverage or cancellation shall be effective.

2. The operator's insurers agree to waive all rights of subrogation against the city, its officials, agents, volunteers, representatives, and employees.

(2) *Liability insurance.*

a. Aircraft third party, property damage, passenger, baggage, cargo and mail and aviation general liability insurance including, premises liability, products and completed operations liability, personal injury, hangar keeper's liability, on airport auto liability, contractor's liability, and contractual liability (but in respect of products and completed operations and personal injury liability, this limit may be in the aggregate limit for any and all losses occurring during the currency of the policy). War risk and allied perils coverage is to be maintained from leading commercial insurance markets that is of the type and covering the same risks as usually carried by similarly situated operators operating similar aircraft, engaged in similar business, and similarly situated operations;

b. The liability policies shall include the following endorsement or extensions of coverage:

1. The city, its officials, agents, volunteers, representatives, and employees shall be named as additional insureds under operator's aviation liability policy to the extent of the indemnity agreements of article 10 of the airport lease and operating agreement which policy shall be in limits of not less than the minimum amount required under section 30-292.

2. The above policy shall be endorsed so as to provide that the inclusion of more than one person, partnership, corporation, organization, firm or entity as named insured under this policy shall not in any way affect the rights of any such person, partnership, corporation, organization, firm or entity either in respect to any claim, demand, suit or judgment made or brought by or in favor of any other insured or by or in favor of any employee of such other insured. It is the intent of this policy to protect each person, partnership, corporation, organization, firm or entity with respect to any claim, demand, suit or judgment in the same manner as though a separate policy had been issued to each; however, nothing contained herein shall operate to increase the insurer's limit of liability as set forth in this policy.

3. The insurance afforded by this policy shall not be invalidated as respects the city, its officials, agents, volunteers, representatives, and employees by any act of operator or any inaction of operator or by operator's failure to take any required action with respect to such insurance.

4. The above policy shall be primary and not contributory nor excess with respect to any other insurance that may be available for the protection of the city, its officials, agents, volunteers, representatives, and employees.

5. In the event of any material change, restriction or reduction in coverage or in the event of cancellation of the insurance, written notice of such change, restriction or reduction in coverage or cancellation of said insurance shall be mailed to city at the following address:

Collin County Regional Airport  
222 N. Tennessee Street  
McKinney, Texas, 75069  
Attn: Airport Director  
Facsimile: (972) 542-6686  
Telephone: (972) 562-4214

Such notice shall state when, not less than 30 days (seven days or such notice as is available in respect of war clauses) after receipt of said written notice, such change, restriction, reduction in coverage or cancellation shall be effective.

6. The operator's insurers agree that the city, its officials, agents, volunteers, representatives, and employees shall not be liable for any insurance premiums of operator arising out of or resulting from this agreement.

7. Any premium due to the insurer as a result of the insurance affected by this endorsement shall be the responsibility of operator and not the responsibility of the city, its officials, agents, volunteers, representatives, and employees.

(3) *Workers' compensation and employer's liability.*

a. Operator shall maintain workers' compensation and employer's liability insurance.

1. *Workers' compensation.* Coverage shall be at statutory limits as required by the law of the state.

2. *Employers' liability.* The commercial umbrella and/or employers' liability limits shall not be less than \$1,000,000.00 each accident for bodily injury by accident or \$1,000,000.00 each employee for bodily injury by disease.

b. The workers' compensation and employers' liability insurance shall contain a waiver of subrogation in favor of city, its officials, agents, volunteers, representatives, and employees for recovery of damages to the extent these damages are covered by the workers' compensation and employers' liability or obtained by the operator pursuant to this contract.

(Ord. No. 2006-05-055, attach. II, 5-16-2006)