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# HABERSHAM COUNTY AIRPORT



HABERSHAM COUNTY  
GEORGIA | Est. 1818

## **POLICIES AND MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL SERVICES**

Adopted by the Habersham County Board of

Commissioners

Date: 1/13/2020

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## **Section 1 Preamble and Policy**

The Habersham County Board of Commissioners does establish the following Policies for commercial aeronautical services at the Habersham County Airport.

The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide aeronautical services to the public and to insure that those who have undertaken to provide commodities and services as approved are not exposed to unfair or irresponsible competition. These Minimum Standards were developed taking into consideration the facilities that currently exist at the Airport, services being offered at the Airport, the future development planned for the Airport and to promote fair competition at the Airport. The uniform application of these Minimum Standards, containing the minimum levels of service that must be offered by the prospective service provider, relates primarily to the public interest and discourages substandard entrepreneurs, thereby protecting both the established aeronautical activity and HCA patrons.

## **Section 2 - Definitions**

Aeronautical Activity - means any activity conducted at airports which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, ultralight operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.

Aeronautical Service means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the airport by a person who has a lease from the airport owner to provided such service.

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Airport means the Habersham County Airport, and all of the property, buildings, facilities and improvements within the exterior boundaries of such airport as it now exists on the Airport Layout Plan as it may hereinafter be extended, enlarged or modified. Sometimes referred to herein as HCA.

FAA means the Federal Aviation Administration.

FAR means Federal Aviation Regulation.

FBO means the Fixed Base Operator authorized by written agreement with the HCBOC to provide management and other services at the airport in compliance with such agreement.

Flying Club means a non-commercial organization established to promote flying, develop skills in aeronautics, including pilotage, navigation, and awareness and appreciation of aviation requirements and techniques.

Fuel: As defined in an operator's lease agreement.

Fueling Operations means the dispensing of aviation fuel into aircraft.

Fuel Vendor means an entity engaged in selling or dispensing aviation fuel to aircraft other than that owned or leased by the entity.

Fueling Operations Permit means a permit issued by the airport manager to a person or entity who dispenses aviation fuel at HCA. (see Airport Self Fueling Standards for requirements and procedure).

HCBOC means the Habersham County Board of Commissioners.

Landside means all buildings and surfaces on the airport used by surface vehicular and pedestrian traffic located outside the fenced AOA.

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Large Aircraft is an aircraft of more than 12,500 pounds maximum certified takeoff weight or turboprop and turbojet aircraft.

Lease (pertaining to the lease of aircraft by an aeronautical activity) means a long-term written agreement established on a minimum basis of six (6) months wherein the lessee shall have full control over the scheduling and use of aircraft and the aircraft is insured as required by these Minimum Standards for the use of the aircraft by Lessee. (Also referred to as aircraft lease- back.)

Manager means the Manager of Habersham County or any other person or entity designated by the Habersham County Board of Commissioners.

Minimum Standards means the standards, which are established by the airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport.

NFPA means the National Fire Protection Association.

NOTAM means a Notice to Airmen published by the FAA.

Owner - means the Habersham County Board of Commissioners.

Person means an individual, corporation, government or governmental subdivision, partnership, association, or any other legal entity.

Ramp Privilege means the driving of a vehicle upon an aircraft parking ramp on the airside of the airport to deliver persons, cargo or equipment to an aircraft as a matter of convenience or necessity. See Airport Ground Vehicle Operations Standards for requirements and procedure.

Self-fueling operator means a person or business entity who dispenses aviation fuel to aircraft owned by such person or business entity, or leased from others and operated by such person. See Airport Self Fueling Minimum Standards for requirements and procedure.

Single Service Provider (SSP) means a person or business entity, other than the FBO, who provides services at the airport pursuant to written authorization from the Manager.

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Small Aircraft is an aircraft of 12,500 pounds or less maximum certified take-off weight.

UNICOM means a communication facility which provides airport advisory information.

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### **Section 3 - Minimum Standards for All SSPs**

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The following shall apply to all prospective aeronautical service providers wishing to become a SSP at HCA:

1. If applicable, leases shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold.
2. A person shall have such business background and shall have demonstrated his business capability to the satisfaction of, and in such manner as to meet with the approval of the Manager.
3. Any prospective SSP seeking to conduct aeronautical activity at the airport should demonstrate that they have adequate resources to realize the business objectives agreed to by the Manager and the applicant.
4. If applicable, the prospective SSP shall lease from the Owner an area agreed upon by the tenant and Owner sufficient to provide for outside display and storage of aircraft and on which shall be erected a building to provide or is an existing building that provides adequate square footage for aircraft storage, space for office, customer lounge and rest rooms, which shall be properly heated and lighted and provide a public telephone. The SSP shall also provide, on the leased area, paved parking for the SSP's customers and employees.
5. The prospective SSP shall have its premises open and services available during appropriate business hours and shall make provision for someone to be in attendance in the office at all times during the required operating hours, unless otherwise specified herein.

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6. All prospective SSPs shall demonstrate to the Manager's satisfaction, evidence of its ability to acquire insurance coverage as stipulated for each particular type of operation. A SSP should make its own analysis to determine if more is needed. However, such policies of insurance shall be maintained in full force and effect during all terms of its authorization to conduct business at the airport. Such policies shall not be for less than \$1,000,000.00 of general liability coverage. Habersham County shall be named as an additional insured for any such policy obtained by the SSP. All policies must be approved in writing by the Manager.

7. The prospective SSP shall abide by all rules outlined in the AIRPORT RULES AND REGULATIONS, as may be amended.

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#### **Section 4 - Application and Qualifications**

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Demonstration of intent to conduct a business operation at the Airport shall be by application to the Manager. The written application shall contain at the minimum:

1. The proposed nature of the business. A business plan may be used to express the proposed nature of the business.
2. If the applicant is a corporation, limited liability company or partnership, copies of all organizational documents and disclosure of all owners of the entity.
3. The signatures of all parties whose names are being submitted as owning an interest in the business or will appear on leases or other documents as being a partner, director or corporate officer and those who will be managing the business.
4. A current financial statement prepared or certified by a Certified Public Accountant.
5. A listing of assets owned, or being purchased, or leased which will be used in the business on the Airport.
6. A current credit report for each party owning or having a financial interest in the business and a credit report on the business itself covering all geographical areas in which it has done business in the ten-year period immediately prior to such application.



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7. A written authorization from the FAA, any aviation or aeronautics commissions, administrators, and departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be required by those agencies.
  8. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport as part of the activity for which approval is sought. Applicant must comply with appropriate Review Procedures and HCA requirements.
  9. Proof (copy or insurance company letter of intent) of liability coverage for the business operation, flight operations, itinerant aircraft and operators and premises insurance.
  10. A current license to do business in Habersham County.
  11. Such other information as the Manager may require.

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### **Section 5 - Action on Application**

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All applications will be reviewed by the Manager and referred to the Airport Commission for approval or denial within 60 days or two cycles of the Airport Commission meetings from the receipt of the application. Applications may be denied for one or more of the following reasons:

1. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards.
  2. The applicant's proposed operations or construction will create a safety hazard on the Airport.
  3. The granting of the application will require the expenditure of local funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to the Airport.
  4. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.
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5. The proposed operation, Airport development or construction does not comply with the approved Airport Layout Plan.
  6. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport.
  7. Any party applying, or interested in the business, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
  8. Any party applying, or having an interest in the business, has a record of violating the Rules, or the Rules and Regulations of any other Airport, Civil Air Regulations, Federal Aviation Regulations, or any other Rules and Regulations applicable to this or any other Airport.
  9. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with the Airport or any lease or other agreement at any other airport.
  10. Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible in the judgment of the Manager to provide and maintain the business to which the application relates.
  11. The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
  12. The applicant has committed any crime, or violated any local ordinance rule or regulation, which adversely reflects on its ability to conduct the SSP operation applied for.

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## **Section 6 - Aircraft Sales and Leasing**

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### Statement of Concept

1. New Aircraft Sales/Leasing: An aircraft sales/leasing SSP engages in the sale or leasing of new aircraft through franchises or licensed dealerships (if required by local, county or state HCBOD) or distributorship (either on a retail or wholesale basis) of an aircraft manufactured aircraft; and provides such repair, services, and parts as necessary to meet any guarantee or warranty on aircraft sold.
2. Used Aircraft Sales/Leasing: Many companies engage in the purchasing, selling and leasing of used aircraft. This is accomplished through various methods including matching potential purchasers with an aircraft (brokering), assisting a customer in the purchase or sale of an aircraft, or purchasing used aircraft and marketing them to potential purchasers. In many cases the SSP also provides such repair, services, and parts as necessary to support the operation of aircraft sold. Some of the requirements may not be appropriate to the sale of used aircraft because of each aircraft's unique operational history.

### Minimum Standards

1. The SSP shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. The SSP shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The SSP who is engaged in the business of selling or leasing new aircraft shall have available a representative example of the product.
2. The SSP shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in an efficient manner. The SSP shall also maintain, during all business hours, a responsible person in charge to supervise the operations in the leased area with the authorization to represent and act for and on behalf of the SSP, and provide check ride pilots for aircraft sold or leased.

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## **Section 7 - Aircraft Airframe, Engine and Accessory Maintenance and Repair**

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### Statement of Concept

An aircraft airframe, engine and accessory maintenance and repair SSP provides one or a combination of airframe, engine and accessory overhauls and repair services on aircraft up to and may include business jet aircraft and helicopters. This category shall also include the sale of aircraft parts and accessories.

### Minimum Standards

1. The SSP shall provide sufficient equipment, supplies, manuals and availability of parts equivalent to that required for certification by the FAA.
2. The SSP shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category of services in an efficient manner, but never less than one person currently certificated by the FAA with ratings appropriate to the work being performed and who holds an airframe, power plant or an aircraft inspector rating.

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## **Section 8 - Aircraft and/or Ultralight Vehicle Lease and Rental**

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### Statement of Concept

An aircraft and/or ultralight vehicle lease or rental SSP engages in the rental or lease of aircraft and/or ultralight vehicles to the public.

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### Minimum Standards

#### Aircraft:

1. The SSP shall have available for rent, either owned or under written lease to SSP, certified and airworthy aircraft capable of meeting the goals of the business plan and equipped for and capable of flight under instrument weather conditions.

2. The SSP shall have in his employ and on duty during the appropriate business hours, a minimum of one person having a current FAA commercial pilot certificate with appropriate ratings, including instructor rating.

#### Ultralight Vehicles:

1. The SSP shall have available for rental, either owned or under written lease to the SSP, one approved two-place ultralight vehicle.

2. The SSP shall have in his employ and on duty during appropriate business hours, a minimum of one person having a current FAA commercial pilot certificate or an Advanced Flight Instructor's (AFI) rating from the United States Ultralight Association (USUA).

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## **Section 9 - Flight Training**

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### Statement of Concept

A flight training SSP engages in instructing pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.

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### Minimum Standards

1. The SSP shall have available for rent, either owned or under written lease to the SSP, certified and airworthy aircraft capable of meeting the goals of the business plan and equipped for and capable of flight under instrument weather conditions.
2. The SSP shall have on a full-time basis at least one flight instructor who has been properly certificated by the FAA to provide the type of training offered.

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## **Section 10 - Commercial Skydiving**

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### Statement of Concept

A Skydiving SSP engages in the transportation of persons for skydiving, instruction in skydiving, and rental and sales of skydiving equipment.

### Minimum Standard

1. The SSP shall have available for skydiving, either owned or under written lease to the SSP, at least one properly certificated aircraft.
2. The SSP operation shall meet or exceed the Basic Safety Requirements (BSR) of the United States Parachute Association (USPA), FAR 105, and related FAA Advisory Circulars. The jump plane pilot must hold a FAA commercial pilot certificate and be appropriately rated for the aircraft being operated.
3. The skydiving SSP shall carry the same insurance coverage and limits as any other SSP on the airport.
4. Skydiving operations shall have the approval of the Airport Manager and ATC Manager prior to commencing operations and be in compliance with all FAR's.

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## **Section 11 - Aircraft Fuels and Oil Service**

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**Note: The HCBOC exercises exclusive rights for all fuels sales on the Airport.**

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## **Section 12 - Avionics, Instruments or Propeller Repair Station**

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### Statement of Concept

An avionics, instrument, or propeller repair station SSP engages in the business of and provides a shop for the repair of aircraft avionics, propellers, instruments, and accessories for general aviation aircraft. This category may include the sale of new or used aircraft avionics, propellers, instruments, and accessories. The SSP shall hold the appropriate repair station certificates issued by FAA for the types of equipment he plans to service and/or install.

### Minimum Standards

The SSP shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category in an efficient manner but never less than one person who is an FAA rated radio, instrument or propeller repairman.

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## **Section 13 - Aircraft Charter and Air Taxi**

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### Statement of Concept

An unscheduled, or scheduled air charter or air taxi SSP engages in the business of providing air transportation (persons or property) to the general public for hire, on an unscheduled or scheduled basis under Code of Federal Regulations CFR 14 Part 135 of the Federal Aviation

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Regulations.

### Minimum Standards

1. The SSP shall provide, either owned or under written lease, the type, class, size and number of aircraft intended to be used by the SSP capable of meeting the goals of the business plan which must meet the requirements of the air taxi commercial SSP certificate held by the SSP. The multi-engine aircraft shall be certified for instrument operations.

2. The SSP shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category in an efficient manner but never less than one person who is an FAA certified commercial pilot and otherwise appropriately rated to permit the flight activity offered by the SSP.

3. The SSP shall provide to the Manager on a monthly basis the total enplanements and deplanements conducted by the SSP.

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## **Section 14 - Specialized Commercial Flying Services**

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### Statement of Concept

1. A specialized commercial flying services SSP engages in air transportation for hire for the purpose of providing the use of aircraft for the following activities:

- a. Non-stop sightseeing flights that begin and end at the same airport.
- b. Crop dusting, seeding, spraying, and bird chasing.
- c. Aerial photography or survey.
- d. Power line or pipe line patrol.
- e. Fire fighting.
- f. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.



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### Minimum Standards

1. The SSP shall lease from the Owner and the lease shall include a building sufficient to accommodate all activities and operations proposed by the SSP. The minimum areas in each instance shall be subject to the approval of the Owner. In the case of crop dusting or aerial application, the SSP shall make suitable arrangements and have such space available in his leased area for safe loading and unloading and storage and containment of chemical materials. All SSPs shall demonstrate that they have the availability of aircraft suitably equipped for the particular type of operation they intend to perform.

2. The Owner shall set the minimum insurance requirements as they pertain to the particular type of operation to be performed. These minimum requirements shall be applicable to all operations of a similar nature. All SSPs will, however, be required to maintain the Aircraft Liability Coverage per Section 3.

3. The SSP shall have in his employ, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the Minimum Standards herein set forth in an efficient manner.

4. The SSP must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize the SSP's services.

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## **Section 15 - Multiple Services**

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### Statement of Concept

A multiple services SSP engages in any two or more of the aeronautical services for which Minimum Standards have been herein provided.

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### Minimum Standards

1. The SSP shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed except that multiple uses can be made of all aircraft owned or under lease by the SSP except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.

2. The SSP shall provide the facilities, equipment and services required to meet the Minimum Standards as herein provided for all aeronautical service the SSP is performing.

3. The SSP shall obtain, as a minimum, that insurance coverage which is equal to individual insurance requirements of all aeronautical services being performed by the SSP.

4. If required, the SSP 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 aeronautical service the SSP is performing as herein provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the SSP.

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## **Section 16 - Flying Clubs**

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### Statement of Concept

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 Clubs is added to the Rules, Regulations and Minimum Standards of the airport. All flying clubs desiring to base their aircraft and operate on the airport must comply with the applicable provisions of these Standards and Requirements. However, they shall be exempt from regular SSP requirements upon satisfactory fulfillment of the conditions contained herein.

### Minimum Standards

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

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name of the flying club (or owned ratably by all of its members). 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.). 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.

2. Flying clubs may not offer or conduct charter, air taxi, or rental of aircraft operations. They may not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft. No flying club shall 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 lessee based on the airport and who provides flight training. Any qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a flying club shall not be restricted from doing maintenance work on aircraft owned by the club and the club does not become obligated to pay for such maintenance work except that such mechanics and instructors may be compensated by credit against payment of dues or flight time.

3. All flying clubs and their 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.

4. The flying club, with its permit request, shall furnish the airport management a copy of its charter and by-laws, articles of association, partnership agreement or other documentation supporting its existence; a roster, or list of members, including names of officers and directors, to be revised on a semi-annual basis; evidence of insurance as required by Section 3; number and type of aircraft; evidence that aircraft are property certificated; evidence that ownership is vested in the club; and operating rules of the club. The books and other records of the club shall be available for review at any reasonable time by airport management or his authorized agent.

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5. A flying club, at any airport controlled by this same airport management shall abide by and comply with all Federal, State and local laws, ordinances, regulations and the rules and regulations of this airport.

6. A flying club which violates any of the foregoing, or permits one or more members to do so, will be required to terminate all operations at the Airport.

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### **Section 17 - SSP Subleasing From Another Commercial SSP**

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Prior to finalizing an agreement, the lessee and sublessee shall obtain the written approval of the Manager for the business proposed. Said sublease shall define the type of business and service to be offered by the sublessee SSP.

The sublessee SSP shall meet the Minimum Standards for the categories of services to be furnished by the sublessee SSP. The Minimum Standards may be met in combination between lessee and sublessee. The sublease agreement shall specifically define those services to be provided by the lessee to the sublessee that shall be used to meet the standards.

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### **Section 18 - Environmental**

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Any SPP, person, party, firm or corporation operating on the Airport must comply with all federal, state and local environmental requirements.

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### **Section 19 – Independent Flight Instruction**

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#### Statement of Concept

An independent flight instructor is a flight instructor that does not have an office on the Airport but may conduct flight instruction at the Airport as long as the following requirements are met.

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### Minimum Standards

- A. Flight instructors may work in conjunction with any full time flight schools and be subjected to all of the standards pertaining to full time flight schools, or,
- B. May work individually provided the following guidelines are met:
1. Must hold a current FAA certified instructor certificate.
  2. Must obtain written authorization from the Manager on an annual basis. Renewal applications should be completed and submitted to the manager sixty (60) days prior to renewal and demonstrate continued FAA certification for flight instruction.
  3. All aircraft shall be dual equipped and meet FAA requirements for commercial operations.
  4. Liability insurance as required under Section 3.
  5. Must demonstrate that all aircraft engaged in a flight training program will continue to meet all FAA maintenance requirements for commercial operations.

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## **Section 20 – Paint Shop Facility/Upholstery Service**

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### Statement of Concept

A paint shop and/or upholstery service provides paint or upholstery services or a combination of both to aircraft up to and may include business jet aircraft and helicopters.

### Minimum Standards

1. Operator shall provide aircraft painting/upholstery services at least 5 days per week.

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2. Operator shall have sufficient equipment, supplies and parts to perform aircraft painting/upholstery services. Operator shall comply with and abide by all standards, rules, regulations and requirements of the Federal Aviation Administration, Habersham County ordinances, Georgia Environmental Protection Division, Environmental Protection Agency, OSHA and any other local, state or national governmental agencies having jurisdiction over aircraft painting/upholstery operations.

3. Operator shall comply with the current standards of the National Fire Protection Association on "Paint Spraying and Spray Booths" with regard to the arrangement, construction, and protection of spray booths and the storing and handling of materials used in connection with aircraft painting, varnishing and spray painting operations.

4. Operator shall properly treat and dispose of all hazardous material in compliance with the standards, rules, regulations and requirements of the governing agencies listed in Paragraph 2 above.

5. Operator shall establish and publish its hours of operation and the telephone numbers to be used in case of emergency. Published hours of operation are subject to approval by the HCBOC.