

**MINIMUM REQUIREMENTS FOR
AERONAUTICAL
OPERATIONS OR ACTIVITY AT
BENTONVILLE MUNICIPAL AIRPORT
(LOUISE M. THADEN FIELD)
BENTONVILLE, ARKANSAS.**

The Bentonville Airport Minimum Standards have been adopted to provide threshold entry requirements (qualifications, levels of service, facilities, insurance) 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. Additionally, to ensure that those using the airport operate within the basic guidelines and expectations of the Airport. These Minimum Standards contain the minimum levels of service, facilities, staffing, insurance and environmental compliance that must be met by the prospective service provider or user. The uniform application of these standards relates primarily to the public interest by discouraging substandard entrepreneurs and mandating insurance coverage levels, thereby protecting the Airport, airport patrons and established aeronautical activities.

Advisory Board Members:

- 1) Art Formanek
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- 4) Craig Soos

Public Works Director
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Approved by the Bentonville Municipal Airport Advisory Board

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**MINIMUM STANDARDS FOR AERONAUTICAL
OPERATIONS OR ACTIVITY AT THE
BENTONVILLE MUNICIPAL AIRPORT,
BENTONVILLE, ARKANSAS**

It being necessary to protect the public health, safety, and interest in Bentonville Municipal Airport, the following minimum standards for Operators, User and Aeronautical Activities on airport property are hereby promulgated and adopted for the use of any land or facility at said Airport.

I. DEFINITIONS

As used herein the following works and phrases shall have the meanings indicated:

- 1) Aeronautical Activity: Shall mean any activity for which the airport is the primary base, which involves, makes possible, or is required for the safe operation of the following activities which shall include, but not by way of limitation, all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental, sight seeing, aerial photography, crop dusting, sales and services of aircraft, sale of aviation petroleum products, whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, sale and maintenance of aircraft accessories, sales and service of radio communication and navigation equipment, and any other activity which, because of its direct relationship with the operation of aircraft, can appropriately be regarded as an aeronautical activity.
- 2) Airport: Shall mean Bentonville Municipal Airport, Louise M. Thaden Field, operated by the Bentonville Municipal Airport Advisory Board.
- 3) Advisory Board: Shall mean the Bentonville Municipal Airport Advisory Board as duly constituted pursuant to Bentonville City Codes and accountable to the Bentonville City Council for approvals and authorization.
- 4) Federal Aviation administration or FAA: Shall mean that Federal agency established pursuant to Public Law 85-716 (49 U.S.C.A. Section 1341 et. Seq.)
- 5) Fixed Base Operator or FBO: Shall mean any person engaged in the minimum required aeronautical activities required of a Fixed Base Operator at the Airport.
- 6) Master Plan: Shall mean the scale dimensional layout of the entire Airport, indicating current proposed uses of the Airport as approved by the Advisory Board and the Federal Aviation Administration.

- 7) Manager: Shall mean the manager of the Airport who is duly appointed by the Advisory Board or City and who shall have authority to enforce the rules, regulations and minimum standards of the Airport.
- 8) Minimum Standards: Shall mean the requirements established herein, as may be amended from time to time by the Advisory Board, setting forth the minimum requirements to be met as a condition for the privilege to conduct any aeronautical activity of the Airport.
- 9) Operator: Shall mean a person who engages in a commercial aeronautical activity at the Bentonville Airport whether based at the airport or not. (This is meant to include independent operators).
- 10) User: Shall mean any person, general or limited partnership, corporation, trust, or association making application for, leasing or using any land or facility at the Airport or who conducts any aeronautical activity at the Airport.

II. GENERAL STANDARDS AND CONDITIONS

- 1) Operators/Users shall be required to keep its buildings and leased area in a clean and structurally sound condition at all times. No outside storage of materials, equipment or airplanes not currently licensed or in derelict condition will be allowed. Normal maintenance and upkeep of the Operator/Person's buildings will be at no cost to the City. Landscape maintenance (trees, shrubs, etc) will be provided by the Operator, All Airport mowing will be provided by the City and FBO.
- 2) Where required by these minimum standards, Operators or Persons shall lease land from the Advisory Board sufficient to accommodate all activities and operations proposed by the Operator and sufficient to meet all applicable code requirements, and applicable F.A.A. standards.
- 3) Vehicular Traffic Control & Parking
 - a. Parking - Parking shall not be allowed on the apron areas except to load or unload an aircraft. Based aircraft users are allowed privileged access to their hangar and asked to park their vehicle inside their hangar or as close to or adjacent to their hangar when flying. Aircraft and pedestrians ALWAYS have the right of way. Only based aircraft users will have access codes to power gates (exceptions by the FBO Operator).
 - b. Airport Operations Area (AOA) - No person shall operate a motor vehicle in the Airport Operations Area in excess of 15 miles per hour or in a reckless manner. Aircraft & Pedestrians ALWAYS have the right of way. Use caution when driving close to any aircraft.

- c. Runway Object Free Area (ROFA) – This is the area of the runway and 200’ either direction of the runway centerline. At Bentonville you cross into the ROFA when you pass the hold short line. All Vehicular traffic inside of the ROFA MUST be approved by the FBO Operator or the Advisory Board to access the area. All vehicles must have a proper flag and warning light on the vehicle and a radio to monitor in coming traffic (Exception to the radio requirement are the mowing crew). No personal transportation across the runway environment is allowed.
- 4) Operators or Users shall carry insurance on its operations or structure with insurance companies licensed to do business in the State of Arkansas. The amount of insurance and type of insurance must be satisfactory to the Advisory Board, however, not in amounts and type less than the minimum specified hereinafter for each particular type of operation. (Appendix A). Each Operator or Person prior to beginning operations or taking occupancy of a hangar must have a certificate of insurance, naming the City of Bentonville, as additional named insured’s in said policies of liability insurance. The Operator/Person shall cause the insurance company to issue a certificate to the City that the liability insurance issued to the Operation/Person shall not be cancelled without prior written notice to the Advisory Board.
- 5) All Operators or Users conducting any activity at the Airport shall continually comply with all laws and regulations, federal, state and local, governing any such operations and activities.
- 6) The Advisory Board reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent the Operator/Persons from erecting or permitting to be erected, any building or other structure on or adjacent to the Airport which, in the opinion of the Advisory Board, would limit the usefulness of the Airport or constitute a hazard to the aircraft.
- 7) Glider, gyrocopter, balloon, powered parasail, ultra lights and sky diving shall not be conducted on, from, or in the immediate vicinity of the Airport without prior written approval of the Airport Manager or the Advisory Board.
- 8) During the time of war or national emergency the Advisory Board shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and, if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government, shall be suspended.
- 9) If the Advisory Board shall determine that an emergency exists, (emergency being defined for this purpose as a condition deemed seriously detrimental to the City, State or to aviation in general, or a condition of serious economic necessity) the Advisory Board may waiver any part of these requirements for a period not to

exceed 60 days and allow operations not fully in compliance with the minimum standards, provided that such operations meets all applicable federal and state standards.

- 10) It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.
- 11) All present Operators/Users conducting operations on the Airport prior to the installation of these minimum standards may be allowed to continue operations without fully complying with them providing that the operation is not in violation of any airport assurance compliance regulations. At the termination of the Operator's present lease, all existing operators or tenants will be required to comply with these minimum standards.
- 12) Penalties – Any person, party, firm or corporation who shall violate any of the provisions of the Minimum Standards shall, upon conviction thereof, be punished by a fine of not less than Ten (\$10.00) Dollars, nor more than One Thousand (\$1000.00) Dollars. Each day's failure to comply with any of the provisions of these minimum standards shall constitute a separate violation.

III. LEASE AGREEMENT PROCESS

- 1) The applicant shall agree to a lease for a term to be mutually agreed upon between the parties with due consideration for the applicant's financial investment and the need to amortize improvements to the leasehold.
- 2) The potential lessee must provide a large scale development plan (LSD) to the Advisory Board prior to approval of a lease; an in-house approval may be allowed at City discretion. The site plan should contain such items as an accurate survey, building location, auto parking location if applicable, size, grading plan, drainage plan, a legal description, planting plan if applicable, insurance coverage, and other related items. The plans must be certified by a registered engineer or architect licensed to practice in Arkansas. All structures and appurtenances will be constructed in accordance with all applicable codes, including but not limited to building and fire, and in areas designated for the purpose. Any proposal for construction or change in existing buildings must be submitted to and approved by the City Council. All applications will be reviewed and acted upon by the Airport Advisory Board & City Council within 90 days of submission of a written application. If denied the applicant may appeal the denial to the next level of government.
- 3) The proposed improvement/facility must meet the current FAA approved airport master plan and receive airspace approval before any construction can begin. Before use either as a private storage hangar or for commercial operation, a lease

agreement must be executed and in effect. A copy of the insurance binder must also be on file with the Airport Manager.

- 4) The lease shall be subordinated to the provisions of any existing or future agreement between the City and the United States, relative to the operation or maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of deferral funds for the development of the airport.
- 5) The leases are assignable with prior written approval of the Advisory Board. The Advisory Board must be given 45 days notice of any proposed assignment and the Advisory Board must act upon the request within 60 days of notice.

IV. OPERATOR REQUIREMENTS

A) General

- 1) No lease or approval to operate shall be granted by the Advisory Board, and none shall be permitted, to rent, lease, sell aircraft, give flight instruction, do charter flying, operate air taxi service, sell fuels or oil, service aircraft, repair aircraft or aircraft component parts, engage in specialized commercial flight services, or agricultural operations, or engage in any other commercial operation on the Airport prior to complying with the minimum requirements as classified by type of operation proposed.
- 2) As a condition precedent to the granting of an operating privilege on the Airport, the Operator must submit, to the satisfaction of the Advisory Board, a complete description of the scope of the proposed operations and the means and methods intended to be employed to accomplish the operating standards and to provide high-quality service to aviation and the general public of the Bentonville service area.
- 3) The Operator also must demonstrate that it has the financial capacity and capability to initiate the operation proposed, and where applicable, for the construction of improvements and appurtenances that may be required for the proposed concept of operation. If asked, the Operator must provide, to the satisfaction of the Advisory Board, a letter setting forth the Operator's financial integrity from a bank or trust company doing business in the Bentonville area or from such other sources as may be readily verified through normal banking channels.
- 4) No commercial activity shall be permitted without prior agreement between the Operator and the Advisory Board. Approval is based on the following provisions. Operator agrees to:

- a. Furnish good, prompt and efficient service adequate to meet all the demands for its service at the airport, and
 - b. Furnish services on a fair, equal, and non-discriminatory basis to all users thereof, and
 - c. Charge fair, reasonable, and not unjustly discriminatory prices for each unity of sale or service, provided that the Operator may be allowed to make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchases, and
 - d. Not discriminate in any employment or other commercial practice on the bases of race, color, religion, age, sex, or national origin.
- 5) It is clearly understood by the Operator that no right or privilege has been granted which would prevent any person operating aircraft on the Airport from performing any service or maintenance on his own aircraft.
 - 6) The Advisory Board reserves the right to further develop or improve the landing area of the Airport as it sees fit and without interference or hindrance from the Operator. Additionally the Advisory Board reserves the right, but shall not be obligated to Operator, to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of the Operator in this regard.

B) Building Requirements

- 1) Any building utilized for commercial aeronautical activity must provide as a minimum, public phone access, restroom access, and office area with sufficient seating to accommodate the intended use. Written reciprocal agreements made with other Operators at the Airport to provide these services and accommodations approved by the Advisory Board are acceptable.

C) Personnel Basic Requirements

- 1) The Operator must be able to demonstrate to the satisfaction of the Advisory Board that it or someone under its control has the ability, knowledge and practical business experience to successfully perform the activities contemplated.
- 2) The Operator must retain appropriately licensed or trained as applicable employees for the proposed service of the operation. Failure to do so may result in the revocation of the lease by the Advisory Board.

D) Equipment

- 1) All equipment specifically required for each activity must be provided.

E) Parking Requirements

- 1) The operator of any commercial activity conducted on the field must provide a minimum of two (2) vehicle parking spaces or one (1) parking space for every employee plus appropriate customer parking, whichever is greater. Written reciprocal agreements will be considered but are revocable by the Advisory Board if actual spaces prove to be inadequate.

F. Insurance Requirements

- 1) Insurance minimums for operation are attached as Appendix A. It is understood that the Advisory Board may at its discretion raise minimum limits on any one or all insurance categories and the Operator shall demonstrate to the Advisory Board within thirty (30) days its compliance with the Advisory Board's directive in this respect.

G. Other Requirements

- 1) In addition to these specific guidelines all General Standards and Conditions must be met.

V. **FBO Requirements**

A) Service Requirements

The FBO is required to perform or to provide the following services as a condition of the authorization to operate:

- 1) Aircraft fueling
- 2) Customer services including but not limited to the provision of a lounge area, pilot planning area with phone access to FAA Flight Service Station, restroom facilities and public telephone
- 3) Radio communications
- 4) Other services such as Airframe and Power plant repair, airplane rental and flight training or others not listed here may be provided at the option of the FBO and approval by the Advisory Board.

B) Hours of Operation

The minimum hours of operation shall be from 8:00 a.m. to 5:00pm, seven (7) days a week except for Holidays posted in advance.

C) Fueling Facilities Basic Requirement

- 1) Only an approved FBO may operate a fueling facility in accord with the requirements noted below:

a) **Dispensing System**

Operator will provide mobile, metered, filter-equipped dispensers for dispensing aircraft gasoline and turbine fuel. Fuel and gasoline storage tanks shall have a minimum capacity of 5,000 gallons each. Separate dispensing pumps and meters for each grade of fuel are required. Mobile dispensing trucks shall have a minimum capacity of 300 gallons for each grade of available gasoline or turbine fuel being dispensed.

b) **Dispensing Standards**

Operator must demonstrate that dispensing equipment and management of the fueling operation meets all current standards for the delivery of clean, uncontaminated fuel. Reference NFPA407 standard for Aircraft Fuel Servicing, 1990 Edition and all future updates.

VI. Insurance Requirements

See Appendix A