

RESOLUTION AND ORDER

On this the 8th day of February, 2010, at a Regular Session meeting of the Commissioners Court of Montgomery County, Texas, there came on for consideration and approval a motion to approve and adopt the *Minimum Standards for Commercial Aeronautical Activities at the Lone Star Executive Airport*, a copy of which is attached hereto and incorporated by reference.

Motion was made by Commissioner Meador and seconded by Commissioner Doyal, that said Commissioners Court approve and adopt the *Minimum Standards for Commercial Aeronautical Activities at the Lone Star Executive Airport*.

Said Motion being put to vote, it carried by a vote of 4 "aye" votes to 0 "naye" votes.

THEREFORE, IT IS HEREBY APPROVED AND ORDERED that the Commissioners Court approves and adopts the *Minimum Standards for Commercial Aeronautical Activities at the Lone Star Executive Airport*, in the form of the document attached hereto and incorporated by reference.

ATTEST:

Mark Turnbull  
Mark Turnbull,  
County Clerk

COUNTY OF MONTGOMERY

Alan B. Sadler  
Alan B. Sadler, County Judge

Mike Meador  
Mike Meador, Commissioner Pct. 1

Craig Doyal  
Craig Doyal, Commissioner Pct. 2

Ed Chance  
Ed Chance, Commissioner Pct. 3

Ed Rinehart  
Ed Rinehart, Commissioner Pct. 4



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# **MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AT THE LONE STAR EXECUTIVE AIRPORT**

## **SECTION 1 INTRODUCTION**

Montgomery County, Texas is responsible for the operations and administration of Lone Star Executive Airport. The County's goal is to operate a safe, efficient airport that provides to the public the highest quality aviation services possible. To foster that goal, the County has established the following Minimum Standards to conduct commercial aeronautical activities at the Airport.

These "Minimum Standards" are intended to be the threshold entry requirements that must be followed by any person, persons, partnership, firm, company, or corporation desiring to conduct commercial aeronautical-related services on Airport grounds and available to the public. They also ensure that those who have undertaken to provide commodities and services, as approved, are not exposed to unfair or irresponsible competition. These Minimum Standards are established based upon the conditions at the Airport, the existing and planned facilities at the Airport, and the current and future aviation role of the Airport. The uniform application of these Minimum Standards, including the minimum levels of service that must be offered by the prospective service provider, relate primarily to the public interest in discouraging substandard entrepreneurs and services, thereby preserving the financial integrity of Airport businesses and protecting Airport patrons.

These standards are prepared consistent with guidelines of the Federal Aviation Administration, including FAA Advisory Circular 150/5190-7 (Minimum Standards for Commercial Aeronautical Activities on Public Airports), FAA Order 5190.6B (Airport Compliance Requirements), Grant Assurances with the United States Government and Chapter 22 of the Texas Transportation Code. The following standards and requirements have also been established for the safe and efficient operation of the airport, to enhance its growth and to assure all potential lessees of the availability of airport property on fair and reasonable terms without unjust discrimination. These standards will be applied objectively, uniformly, and in the public interest. These standards are not all-inclusive – operators of commercial aeronautical activities are also subject to applicable federal, state, and local laws, codes and ordinances, and other similar regulatory measures, including rules and regulations which may be applicable to the Airport and implemented by the County from time to time.

## **SECTION 2 STATEMENT OF POLICY**

It is the County's policy to provide a fair and reasonable opportunity, without unjust discrimination, for all qualified applicants who wish to conduct commercial aeronautical-related activities at the Airport. A qualified applicant must have successfully competed in a legal public process for use of Airport facilities and entered into a land lease with the County, or is a sub-lessee of same pursuant to a multi-year sub-lease agreement approved by the County, and meets or exceeds the minimum standards for the activity proposed.

No operator will be allowed to provide a level of service less than that prescribed by these Minimum Standards or its land lease obligations.

These standards are applicable to currently established businesses that have a valid written contract or agreement with the County, as well as to prospective businesses wishing to conduct commercial and/or non-commercial aeronautical activities at the Airport.

Providers of commercial activities who wish to operate on the Airport must have a written contract with the County, or be party to a County-approved sub-lease with another party that has a written contract with the County, must pay the fees and rentals prescribed by the applicable contract, must agree to meet provisions of these Minimum Standards and must provide services to the public as prescribed in the contract. The granting by the County of the right to do business on the Airport shall not be construed as affording a person or entity any exclusive right for the use of the premises and facilities at the Airport, other than the facilities leased to that person or entity; nor as an exclusive right to provide a given aeronautical service at the Airport.

These Minimum Standards also apply to certain non-commercial aeronautical activities, such as flying clubs and Civil Air Patrol.

Any person, corporation or entity who fails to comply with any provision of these Minimum Standards shall, after due notice, containing a reasonable cure period, be prohibited from using or operating on or from the Airport.

### **SECTION 3            DEFINITIONS**

Acronyms/Single Words – The following acronyms or single words are used in this document to mean the following:

AIRPORT – Lone Star Executive Airport, Montgomery County, Texas  
ALP – Airport Layout Plan  
COUNTY – Montgomery County, Texas  
CAP – Civil Air Patrol  
DHS – Department of Homeland Security  
EPA – Environmental Protection Agency  
FAA – Federal Aviation Administration  
FAR – Federal Aviation Regulation  
FBO – Fixed Base Operator  
NFPA – National Fire Protection Association  
SASO – Specialized Aviation Service Operation  
STC – Supplemental Type Certificate  
TCEQ – Texas Commission on Environmental Quality  
TSA – Transportation Security Administration  
TxDOT – Aviation Division of the Texas Department of Transportation

Aeronautical Activity - 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, aircraft management, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, ultra light operations, aircraft sales and service, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and aircraft storage.

Aeronautical Service - 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 or business that has a lease, license, or permit from the airport owner to provide such service.

Air Operations Area - any area of the Airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft and the necessary safety areas and protection zones.

Airport – when capitalized, the Lone Star Executive Airport, including all of the property, buildings, facilities and improvements within the exterior boundaries of the Airport as now exists on the individual Airport Layout Plan, or as hereinafter extended, enlarged or modified.

Airport Layout Plan (ALP) – a graphic presentation, to scale, of the Airport showing current and planned facilities, clearance and dimensional information, and other pertinent information. The ALP will normally be a County/TxDOT coordinated document to be used to plan future development on the Airport, and may be changed or updated from time to time.

Airport Rules – Rules and Regulations for Use of the Airport, as promulgated by the Commissioners Court of the County, as existing or as hereafter amended by order of the Court.

Aviation Area - aircraft storage, parking, operating and/or movement area.

Aviation Fuel – all flammable liquids composed of a mixture of selected hydrocarbons manufactured and blended especially for the purpose of effectively and efficiently operating an internal combustion, jet or turbine aircraft engine.

Building – any pertinent structure such as hangars, office spaces, storage facilities and the like used in the storage and/or maintenance of aircraft, parts and other materials used in the maintenance and operation of aircraft, and the administration of airport services, including pilot lounges, restroom facilities, office areas and showrooms. Trailers, portable structures or other temporary buildings are specifically excluded from this definition and are prohibited on the Airport without express written approval of the Airport Director.

Business - an individual, corporation, government or governmental subdivision, partnership, association, or any other legal entity intended or used to carry out a commercial activity.

Commercial Activity - includes all types of vocations, occupations, professions, enterprises, establishments, and all other types of activities and matters, together with all devices, machines, vehicles, and equipment used therein, any of which are conducted, used, or carried on for the purpose of earning, in whole or in part, a profit or livelihood, whether or not a profit or livelihood actually is earned thereby. Businesses, professions and trades shall include, without being limited thereto, trades and occupations of all and every type of calling carried on within the Airport boundaries: salesmen, brokers, retailers, wholesalers, vendors, suppliers, peddlers, professions and any other type of endeavor within the airport boundaries for the purpose of earning a livelihood or profit in whole or in part whether paid for in money, goods, labor, or otherwise, and whether or not the business, profession or trade has a fixed place of business on the Airport.

Commercial Aeronautical Activity – any person, firm, group, company, or corporation that engages, for profit, or for benefit or exchange of services, in an activity that involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

Commercial Aeronautical Activities include, but are not limited to, the following activities commonly conducted on airports (this list may not include all activities and may be amended from time to time at the sole discretion of the County):

1. The sale, storage and delivery of aircraft fuels, lubricants and propellants.
2. Major maintenance, repair, overhaul, inspection, rebuilding, manufacturing and licensing of aircraft, engines, air frames, aircraft accessories, electronic accessories and the purchase and sale of parts and equipment thereof.
3. Minor maintenance and servicing of aircraft, including general and preventative maintenance, annual inspections, and the purchase and sale of parts, equipment and accessories.
4. Buying, selling, trading, demonstrating and storage of new and used aircraft, parts or accessories.
5. Carrying passengers and/or freight for hire on scheduled, non-scheduled or charter basis, and providing aircraft and/or pilots for the operation of aircraft involved in these services.
6. Air taxi, commuter and charter operations.
7. The operation of a FAA-approved flight or aircraft maintenance school so as to provide instruction from primary flight training through and including qualification for an Air Transport Rating; and/or to provide for the acquisition of an airframe or power plant aircraft mechanic's license.
8. The operation of a FAA-approved aircraft avionics facility, including maintenance, repair, installation and testing of avionics and instrument equipment of aircraft.
9. Aircraft leasing and rental services.
10. Aircraft Flight Instruction.
11. Propeller repair service, including installation and testing.
12. Aircraft parking and tie-down service, protective storage (whether singular or multiple storage; interior or exterior) of any aircraft using the airport.
13. The operation of an air freight/air cargo facility, including loading and unloading of aircraft, packaging, and distribution.
14. Sale of aviation-related books, charts, pilot handbooks, and cockpit supplies.
15. Specialized flying services such as sightseeing flights, towing and aerial advertising, aerial photography and survey, news media reporting, fire fighting, and powerline/pipeline or forest patrol.
16. Aircraft management for a person(s), corporation, or other aircraft owner.
17. Specialized aircraft repair/refurbishing services such as painting, washing, waxing, polishing, and upholstery and interior rehabilitation.
18. Any other activities which, because of their direct relationship to the operation of an aircraft, can appropriately be regarded as an aeronautical activity.

County – the County of Montgomery, Texas, a political subdivision of the State of Texas, under direction of its Commissioners Court, including its elected and appointed officials, employees and agents.

Director – the Airport Director, including his/her designee authorized to act on behalf of the Airport Director, who has been appointed by Montgomery County Commissioners Court to have direct supervisory and functional responsibilities for the administration, development, operation and maintenance of the Airport.

Fixed Base Operator (FBO) - a commercial business granted the right by the County to operate on the Airport and provide aircraft fueling along with other aeronautical services such as hangaring, tiedown, parking, aircraft rental, aircraft maintenance, flight instruction, etc.

Flying Club - a nonprofit organization established to enable and promote flying amongst its collective membership, and develop skills in aeronautics, including pilotage, navigation, and awareness and appreciation of aviation requirements and techniques.

Free Lance Operator – any person, firm, company, or corporation which attempts to participate in commercial aeronautical activities on the Airport without formal, written contract or permission by the County to do so. (Prohibited, See Section 5).

Fueling Operations - the dispensing of aviation fuel into aircraft, fuel storage tanks or fueling vehicles (includes dispensing of automobile gasoline for aircraft certified for its use).

Fueling Operations Permit - a permit issued by the Director to a person that dispenses aviation fuel at the Airport. To qualify for fueling operations, a vendor must be an FBO on the Airport or otherwise qualify for self fueling under these Minimum Standards..

General Aviation – aircraft operations (other than scheduled air carrier or military) that include (1) flight operations by personal, club, or corporation aircraft, (2) air taxi or charter for revenue on a non-scheduled basis (interstate limited to 30 passengers/75, 000 lbs. cargo), (3) intrastate and interstate freight carriers that operate through exclusive long-term contracts (non-common carrier).

Industrial or Non-aviation Business - business of a type whose operations do not require runway access or airport orientation and does not provide a direct aeronautical service.

Land Lease – a conveyance of real property rights for occupancy or use of land and improvements as expressed in a written agreement.

Landside - all buildings and surfaces on the Airport outside of the basic perimeter of the air operations area.

Large Aircraft - an aircraft of more than 12,500 pounds maximum certified takeoff weight.

Lessee – a person who has entered into an approved lease agreement with the County to operate or provide services at the Airport.

Minimum Standards – the criteria hereby established by the County as the minimum requirements to be met as a condition for the right to conduct on the Airport a commercial aeronautical-related activity and such other non-commercial aeronautical-related activities described elsewhere herein.

Non-Commercial Aeronautical Activity – an activity conducted by a person (not including private citizens operating for personal reasons) that conducts, on a not-for-profit-basis, an aeronautical activity at the Airport; examples include flying clubs and Civil Air Patrol.

NOTAM – a Notice to Airmen published by the FAA.

Person – any individual, firm, partnership, corporation, company, association or body politic, and includes any trustee, receiver, assignee or other similar representative.

Scheduled Air Carrier- an air carrier that operates under FAR Part 121.

Self Fueling Operator - a person who dispenses fuel into aircraft owned/operated by him/her or leased from others and operated by such person, as distinguished from the dispensing of fuel for profit. (See Airport Rules for specific requirements and procedures applicable to self fueling.)

Self-Service Commercial Fueling – fueling an aircraft by the pilot using pumps installed for that purpose; the fuel dispensing station may or may not be attended by the FBO owning such facility. This method of fueling is distinguishable from self fueling.

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

Specialized Aviation Service Operation – single service or multiple service providers performing less than full FBO services; *i.e.*, these persons differ from a full service FBO in that they typically offer a specialized aeronautical service such as aircraft sales, flight training, aircraft maintenance, or avionics services as example, and are not authorized to offer aircraft fueling.

Sub -Tenant - any person which pays rent to an Airport tenant to use, occupy, or lease land, hangars, buildings, space or other property on the Airport. All sub-tenants must be approved in writing by the County.

Tenant – Any person that pays rent to the County to use, occupy, or lease land, hangars, buildings, space or other County-owned property on the Airport, pursuant to a land lease agreement with the County.

## **SECTION 4                      GENERALLY APPLICABLE RULES AND REGULATIONS**

**SECTION 4.1**                      All users of any portion of the Airport, whether commercial, non-commercial or transients, including existing or future and FBOs, SASOs, lessees, tenants, invitees and guests of users or the Airport, must abide by and compel their officers, employees, and their invitees or guests to abide by both these Minimum Standards and the Airport Rules, as existing or as may be hereafter revised from time to time by Commissioners Court. FBOs, SASOs, lessees, and tenants shall, at their own expense, comply with these Minimum Standards, the Airport Rules and all applicable federal, state and local laws, ordinances, rules and regulations that are in effect at any time during the term of their land leases or other County-approved contracts.

**SECTION 4.2**                      To the extent these Minimum Standards impose an obligation for a commercial operator conducting County-approved operations on the Airport as of the effective date hereof to incur a substantial expense in order to make a change in its commercial operation for the sole purpose of complying with a new requirement imposed by these Minimum Standards, that commercial operator upon a showing of reasonableness and just cause may receive consideration by the Director for a limited exception or an extension of time, as determined appropriate by the Director and not inconsistent with land lease obligations; provided, however, authorization for any such limited

exception or extension of time shall cease upon: (i) a change in the commercial operator's level of service or (ii) a change in identity of the principal owner of that commercial operator, unless that change is less than fifty-one percent (51%) or the change is occasioned by merely a redistribution of assets within the same family.

## **SECTION 5 LEASES REQUIRED**

No person may use any part of the Airport to conduct any commercial or non-commercial aeronautical activity unless authorized to do so by the County under a written land lease and license, permit, or commercial activities authorization. Any agreement permitting commercial activity on the Airport must include compensation the County determines to be fair return for the use of the public facilities operated by the County. Free-lance operators are prohibited from doing business on the Airport.

1. Sub-lease. FBOs, lessees, and tenants may not assign or sub-lease any of the property leased or the operations authorized by the County without written permission of the Director and/or Commissioners Court. Any sub-lease will be subject to all applicable federal, state, and local laws, ordinances, standards, rules and regulations in effect during the term of the sub-lease. Sub-lessees shall be required to obtain a commercial activities authorization to conduct their own commercial activities.
2. Agreements Granting Access to Landing or Movement area from Adjacent Property. Persons who desire access to an Airport landing or movement area from off-Airport locations (commonly referred to as "through-the-fence operations" may do so only under written agreement approved by the County. "Through-the-fence" operators must comply with all federal, state, and local laws, ordinances, standards, and rules and regulations in effect during the term of their agreement and must comply with applicable minimum standards for the activities they provide. A written agreement must provide for compensation to the County that is a fair return for the operator's use of the public facilities operated by the County.
3. Lease Approval. All leases or contracts for use of property or operations at the Airport will be negotiated by the Director and obtained by way of the terms and conditions of Section G of Article IV of the Airport Rules.
4. To the extent any term or provision of a land lease or other written contract with the County imposes any condition on use of or operation on the Airport that is more restrictive than a requirement of these Minimum Standards, the term or provision of the land lease or written contract shall prevail.

## **SECTION 6 AIRPORT COMMERCIAL ACTIVITY AUTHORIZATION - GENERAL PROVISIONS**

**SECTION 6.1** On and after the date these Minimum Standards are implemented, it shall be prohibited for any person to use any portion of the Airport for the purpose of any commercial aeronautical activity, for the sale of any commodity, for instruction in aviation, to conduct any concession (other than vending machines approved by the Director) or for any other commercial purpose without first obtaining written authorization for the commercial activity from the Director and/or final approval from the Commissioners Court; provided, however, this prohibition shall be applied prospectively such that ongoing commercial activities previously authorized by the County are not subject to any requirement to seek additional authorization for an ongoing authorized activity. Demonstration of intent to conduct a new commercial activity, whether conducted by a new or existing Airport user at the Airport, shall be made by application to the Director for either Commercial Activity

Authorization or Incidental Commercial Activity Authorization by submittal of a completed Application in the form of **Appendix A**. Consideration of such application shall be made after the Applicant has provided all of the information required by the Application, as well as any other information requested by the Director. Applications for Commercial Activity Authorization will be reviewed by the Director within thirty (30) days from submission of all required information and, if approved by him/her, will be submitted to the Commissioners Court for additional consideration and approval at the next scheduled meeting, if the Director deems appropriate to do so. The Director will make a good faith effort to review and issue a decision on Applications for Incidental Commercial Activity Authorization within three (3) business days from the submission of all required information.

**SECTION 6.2** An Application for Commercial Activity Authorization shall contain the following information, and such additional or alternative information as requested by the Director:

1. The proposed name and nature of the business, including intended services. A business plan may be used to express the proposed nature of the business.
2. 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, corporate officer and manager.
3. A current financial statement for business and/or owners. Certification by a certified public accountant may be required.
4. A listing of assets owned or being purchased, or leased which will be used in the business on the Airport.
5. 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.
6. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport for the proposed business. Applicant must comply with all applicable code and permit requirements and the Director's requirements.
7. Evidence of ability to acquire required insurance coverage in the amount(s) required herein.
8. A detailed business plan including profit and loss projections for the first five years of operations and the source of capital for start-up and initial operations.
9. Résumés of principals and/or proposed on-site management personnel.

**SECTION 6.3** An Application for Incidental Commercial Activity Authorization may be submitted in lieu of an Application for Commercial Activity Authorization for Commercial Activities performed or provided at the Airport on a one-time or non routine basis, or for specialized, unique, or boutique Commercial Activities in which the Application for Commercial Activity Authorization would be too onerous or burdensome, as determined by the Director. An Application for Incidental Commercial Activity Authorization is not intended to be used for Commercial Activities that are offered or advertised to all general Airport users. The Application for Incidental Commercial Activity Authorization shall contain the following information, and such additional or alternative information as requested by the Director:

1. The name of the person or business providing service.
2. The intended services to be performed, including scope of services and anticipated time necessary to perform services.
3. Location where intended services will be performed within the Airport.
4. Brief statement to demonstrate that services meet aforementioned criteria for Incidental Commercial Activity Authorization.
5. Evidence of insurance providing coverage for damages or loss suffered by the County or other Airport users resulting from the actions or omissions of the person or business performing the intended services. Insurance Coverage for Incidental Commercial Activity Authorization may be either in form of liability insurance coverage provided by the Airport user receiving services, or liability insurance coverage provided by the service provider, in the amount(s) required herein.

**SECTION 6.4** Applications for Commercial Activity Authorization or Incidental Commercial Activity Authorization may be denied for any of the following reasons:

- a. The Applicant does not meet qualifications, standards and requirements established by these Minimum Standards or the Airport Rules.
- b. The Applicant's proposed operations or construction will create a safety hazard on the Airport, as determined by the Director or Commissioners Court.
- c. The granting of the Application will require an unacceptable expenditure of funds by the County.
- d. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the Applicant.
- e. The proposed operation, development or construction does not comply with the approved Airport Master Development Plan and/or the Airport Layout Plan.
- f. The development or use of the area proposed for commercial activity will result in a congestion of aircraft or buildings, or will result in the undue interference with the operations of any present FBO or other tenant on the Airport, such as problems with aircraft traffic or service, preventing free access and egress to an existing leased area, or depriving a tenant of any portion of its leased area.
- g. The Applicant 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.
- h. Any party applying, or having an interest in the business, has a record of violating these or previous Minimum Standards or Airport Rules for the Airport, or any FAA or other regulations pertaining to Airport use.
- i. The proposed business would not be in conformance with an applicable lease or other agreement with the County or any party applying, or having an interest in the business,

- j. Any party applying, or having an interest in the business, is not sufficiently creditworthy and responsible, in the judgment of the Director or Commissioners Court, to provide and maintain the business to which the Application relates, if applicable.
- k. The Applicant does not demonstrate finances necessary or sufficient to conduct the proposed operation for a minimum period of six (6) months, if applicable.
- l. The Applicant has committed a felony, or violated any local, state or federal law that adversely reflects on its ability to conduct the business operation proposed.

**SECTION 6.5** Once Commercial Activity Authorization or Incidental Commercial Activity Authorization is approved, the Applicant will be notified promptly and shall thereafter strictly comply with these Minimum Standards and the Airport Rules in conducting any commercial activities on the Airport.

**SECTION 6.6** It shall be prohibited for any person to sell, advertise or solicit the sale of any merchandise or service on the Airport unless Commercial Activity Authorization or Incidental Commercial Activity Authorization approval has been obtained from the Director or Commissioners Court.

**SECTION 6.7** It shall be prohibited for any person to conduct or operate a business or other activity for hire or compensation on the Airport unless Commercial Activity Authorization or Incidental Commercial Activity Authorization approval has been obtained from the Director or Commissioners Court.

**SECTION 6.8** Authorization to conduct commercial activities on the grounds of the Airport, whether pursuant to an ongoing commercial activity previously authorized by the County or a Commercial Activity Authorization or Incidental Commercial Activity Authorization granted hereafter, may be revoked by action of Commissioners Court for any of the reasons cited above for cause to deny such authority, or for any other good cause, including failure to abide by the Minimum Standards, applicable lease provisions or any other applicable rules, regulations, ordinances or laws promulgated by local, state or federal authorities.

## **SECTION 7 FIXED BASE OPERATORS**

### **Statement of Concept**

An FBO is an entity that conducts or provides aircraft fueling and three or more other aeronautical services at the Airport, in accordance with a written agreement with the County, while meeting the applicable minimum standards for each service provided. Approval to operate on the Airport as an FBO is subject to land and/or facility availability. All persons desiring to serve as FBOs must also be approved to provide aircraft fueling in accordance with these Minimum Standards.

### **Minimum Standards**

The following standards shall be required of all current or prospective FBOs conducting business at the Airport:

1. Operations shall be conducted on leased premises located only accessible to the "aviation area", as defined by the approved airport master plan. Exceptions may be made by the Director on a case-by-case basis for temporary uses.
2. Every person conducting business as an FBO shall have such business background, and shall have demonstrated business capability in such a manner acceptable to the Director. A business plan shall be used to express the proposed business capabilities.
3. Any prospective FBO seeking to conduct aeronautical activity at the Airport must demonstrate adequate resources to realize the business objectives agreed to by the Director and the applicant.
4. All prospective FBOs shall demonstrate to the Director's satisfaction evidence of their ability to acquire insurance coverage for the particular use, in coverage limits in force at that time. All policies of insurance shall be maintained in full force and effective during the terms of existing leases, agreements or business permits or renewals or extensions thereof, with a 30-calendar day prior notice of cancellation, provided to the Director.
5. All FBOs must provide, or have adequate facilities to serve the general public and customers of both the County and the FBO. The following amenities must be provided for FBO customers, as specified or as consistent with all applicable city, County, state, and federal guidelines as applicable:
  - a. Auto parking
  - b. Restrooms
  - c. Aircraft parking
  - d. Office space
  - e. Customer lobby/lounge
6. FBOs shall comply with all applicable state and local building codes.
7. FBOs shall maintain all necessary FAA or other licenses and certificates to conduct services offered.
8. On and after the effective date of these Minimum Standards, any person that commences operating as an FBO on the Airport shall be required to provide to the public aviation fueling services and conduct at least three (3) additional commercial aeronautical activities. FBOs operating on the Airport prior to the effective date may continue operating at their existing level of services if they do not currently provide three (3) commercial aeronautical services in addition to their aviation fuel services; provided, however, the existing FBOs shall be subject to the same requirements as new FBOs if they undergo a change in identity of principal owner of the FBO, except where the change is less than ten percent (10%) or the change is occasioned by merely a redistribution of assets within the same family.
9. An FBO may provide any minimum or optional service using its own resources and personnel, or with the prior written consent of the Director, it may provide such service through a subcontractor with a valid sublease for space from the FBO, but the FBO shall remain primarily responsible for any services performed by a subcontractor, and the compliance by such subcontractor with these Minimum Standards.

10. Each FBO shall lease or construct facilities of not less than 16,000 square feet of combined hangar/shop/office floor space within the aviation area.
11. FBOs shall be open for business with services available from 7 a.m. (0700 hours) until 7 p.m. (1900 hours), or such other period of time agreed by the Director as adequate to meet public demand, seven (7) days per week, and shall make provisions for qualified personnel to be in attendance at all times during the required operating hours, with call-out availability for emergencies and after hours demand for services. Each FBO shall be open for business every day of the year, including holidays, unless the Director receives assurance that adequate FBO service will be available to serve a reduced public demand on a holiday and the Director specifically approves an FBOs request to close for business during a holiday in which there is expected to be significantly reduced air traffic.
12. The removal of any disabled aircraft from the runway/taxiway may be initiated by the County or an aircraft owner/operator. FBOs shall have equipment and personnel available to provide the towing of disabled aircraft weighing up to 12,500 lbs, if so requested.
13. All personnel of an FBO shall conduct themselves in a courteous, business-like and professional manner when dealing with the public or other Airport tenants.
14. All personnel representing FBOs shall be attired in a manner appropriate to their duties, be as neat and clean as possible, and present an image of professionalism, and have all appropriate and necessary safety clothing or equipment.
15. All personnel representing FBOs shall abide by all security rules and regulations established by the County, TSA, FAA or DHS.
16. All construction and improvements by FBOs must be approved, in writing, by the Director prior to commencement of construction, and must be compatible with the ALP and the applicable land lease.
17. Prior to commencing construction on the leased premises, FBOs shall prepare and submit to the Director an executed FAA Form 7460-1 (or superseded form), "Notice of Proposed Construction or Alteration", as required by 49 CFR Part 77, and no construction will commence until FAA review is completed.
18. Disposal of waste from leased areas into the local sewer system shall be in accordance with applicable EPA, TCEQ and local rules and regulations. The FBO shall dispose of toxic waste, degreasers, de-icing fluids, greases, oils, fuels, solvents, cleaning solutions, and any other such materials in accordance with applicable law, as now in effect or hereafter amended.

## **SECTION 8 SPECIALIZED AERONAUTICAL SERVICE OPERATION**

1. SASOs shall provide at least one aeronautical activity, but less than the required activities for an FBO.
2. SASOs shall lease or construct facilities within the aviation area large enough to accommodate their operations.

3. SASOs shall meet the minimum requirements as set forth below for each Aeronautical Service provided.
4. SASOs are not permitted to offer aircraft fueling as a commercial service.

## **SECTION 9 AERONAUTICAL SERVICES AND ACTIVITIES**

Aeronautical services are activities conducted at airports which involve, make possible or are required for the operation of aircraft, or which contribute to or are required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, air freight, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, ultra light operations, aircraft sales and services, sale of engine oils and lubricants, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.

### **SECTION 9.1 AIRCRAFT CHARTER, AIR TAXI AND AIR FREIGHT**

#### **Statement of Concept**

These services include air charter, air taxi or freight operations providing scheduled or unscheduled air transportation (persons or property) to the general public for hire, on an "on demand basis" under Part 135 of the Federal Aviation Regulations.

#### **Minimum Standards**

The following standards shall be required of all persons operating an air charter, air taxi or freight business on Airport grounds:

1. The Operator shall provide, either owned or under written agreement, at least one aircraft meeting all of the Air Taxi/Charter/Freight requirements of the certificate(s) held.
2. The Operator shall have a qualified flight crew available for on-demand flight service during business hours, with current, valid certification under FAA/TSA regulations and in compliance with all laws, regulations, and procedures.
3. Operators shall provide office and passenger lobby areas equipped with restrooms, heating, air conditioning, lighting and telephone facilities capable of accommodating the passenger load for each type of aircraft, consistent with applicable fire code for occupancy load.
4. Operators shall have adequate counter space for baggage and check-in area and waiting area to serve flights with aircraft seating capacity of 10 or more.
5. Operators shall have available vehicle parking within a minimum of 1,000 feet of loading area for the number of passenger seats available in the aircraft multiplied by the average number of daily flights.
6. Operators shall possess all applicable FAA licenses/certificates.

7. Operators shall have available adequate ground handling equipment for each type of aircraft served.
8. Operators shall have an available loading ramp sufficient to handle aircraft turning radius plus safety area clearance for type of aircraft served.
9. Operators shall be open to provide services to meet customer demand.
10. Air freight operators shall provide a minimum ramp area of sufficient size for loading/unloading each type of aircraft served and each type of ground vehicles. Sorting, packaging and receiving activities are prohibited on the ramp and, if conducted on-Airport, must be conducted at facilities identified by the Director for that purpose, if available.

## **SECTION 9.2 AIRCRAFT MAINTENANCE AND REPAIR**

### **Statement of Concept**

An aircraft airframe, engine and accessory maintenance and repair operator provides either, or a combination of, major and/or minor airframe and/or power plant repair; overhauling, rebuilding, manufacturing and licensing of engines, airframes, aircraft and accessories; and the purchase and sale of accessories, parts and equipment therefore.

### **Minimum Standards**

The following standards are the minimum required for such operations on Airport grounds:

1. Operations shall be conducted on a minimum of 8,000 square feet to accommodate buildings, hangars, aircraft parking areas and maintenance shops necessary to conduct these services.
2. For certified 14 CFR Part 145 repair stations, Operators shall provide sufficient equipment, supplies, manuals, and availability of parts equivalent to that required by the FAA.
3. For retail operations, Operators shall construct or lease adequate office space that is properly lighted, heated and air conditioned, and include public lounge, restrooms, customer automobile parking and public use telephone to accommodate customers.
4. For aircraft maintenance, Operators shall construct or lease an aircraft maintenance hangar of at least 4,800 square feet to accommodate airframe and power plant overhaul repair services.
5. Operators shall have sufficient FAA-certified mechanics to provide 100-hour and annual inspections with ratings appropriate to the work to be performed and, during business hours shall have at least one person on site currently certificated by the FAA who holds an airframe, power plant or an inspector rating.
6. Any aircraft undergoing repair that is expected to be in a non-airworthy condition in excess of 30 days shall be kept inside the hangar or screened from public view. Aircraft and aircraft parts shall not be stored outdoors for salvage operations.

7. No work may be performed outside of the hangar other than that which is normally allowed to be performed on the aircraft tiedown area, as provided in the Airport Rules.
8. Operators shall have accessible during business hours adequate provisions for the removal/disposal of solutions, cleaning agents, lubricants and other wastes in compliance with federal, state and County regulations, as currently in effect or hereinafter amended.
9. Operators shall be open to provide services from 8:00 a.m. (0800 hours) to 5:00 p.m. (1700 hours), at least five (5) days per week, with callout availability for emergencies.

### **SECTION 9.3 AIRCRAFT FLIGHT TRAINING AND AIRCRAFT RENTAL**

#### **Statement of Concept**

This activity includes flight training and pilot instruction from primary training through and including qualification for an air transport rating, instrument training, multi-engine training, flight instructor training, aircraft rental/leasing, or any combination of the above.

#### **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. Operators shall have available a minimum number of aircraft, of a sufficient size and type, either owned or under written lease to Operator, to meet the demand for services, both flight instruction and aircraft rental/leasing.
2. Operators shall provide services of a properly certificated pilot qualified to conduct "flight checks" of prospective renters.
3. Operators shall employ a sufficient number of FAA-certified flight instructors with appropriate ratings for the type of instruction offered, including properly certified ground school instructors, with at least one instructor able to conduct flight instruction for instrument ratings.
4. Operators shall lease or construct, a minimum of 1,500 square feet of space and additional floor space necessary to adequately perform the services offered, with such space properly lighted, heated and air conditioned for classroom, briefing room, study room, office space, pilot's lounge, and flight planning/weather briefing area. In addition, Operators shall provide adequate customer automobile parking and restroom facilities.
5. Operators shall provide adequate facilities and/or contract arrangements with an FBO or SASO for servicing and maintaining the aircraft.
6. Operators shall maintain permanently assigned tiedowns or inside storage area as necessary to adequately perform services offered.
7. Operators shall have aircraft available for rental at least eight (8) hours per day, 5 days per week, or as approved by the Director.

8. Flight training operations shall include adequate mock-ups, pictures, slides, filmstrips, movies, videotapes or other training aides necessary to provide proper and effective ground school instruction. All materials shall meet FAA requirements for the training offered.
9. Independent flight instructors who hold required FAA ratings and other certifications may provide incidental instruction to a student, in an aircraft provided by the student or instructor, and are exempt from these minimum standards.
10. Independent aircraft owners may request an exemption from the requirements of this section for the incidental rental of their specialized or unique aircraft.

## **SECTION 9.4 AIRCRAFT SALES AND BROKERAGE**

### **Statement of Concept**

These activities include the buying, selling, brokering and demonstration of new and used aircraft, parts and accessories, or any combination of these activities.

### **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. Operators shall lease or construct a hangar, with aircraft parking and tiedown, of sufficient size to provide for the storage and display of the type of aircraft for sale or intended for sale. In addition, Operators shall provide office space, or operate the service in a space leased from an FBO or SASO, and have immediate access to customer lounge, public telephone and restrooms.
2. If an Operator deals in new aircraft, it shall have available or on-call at least one model demonstrator currently certified for the aircraft in the manufacturer's authorized product line being offered for sale.
3. Operators shall have available to meet customer demand during posted business hours at least one qualified aircraft salesperson and access to a demonstration pilot who has a current commercial pilot certificate with appropriate aircraft type ratings.
4. Operators shall have necessary and satisfactory arrangements through any warranty period to provide an adequate supply of parts for the types of aircraft sold, and the repair and servicing by persons certified to work on the make and model of new aircraft sold.
5. Operators shall provide inside or outside assigned display area sufficient to display the type and number of aircraft for sale.
6. Operators shall be open for business on the Airport a sufficient number of hours per week to meet customer demand.
7. Private aircraft owners selling their own aircraft are considered exempt from these requirements.

## **SECTION 9.5 AVIATION FUEL SERVICE**

### **Statement of Concept**

This activity includes the sale, storage, and dispensing of aviation fuels, lubricants and propellants, and may include related services such as aircraft tie-down and parking, supporting itinerant and based aircraft operations. In order to provide fueling services, an operator must be an FBO and space must be available and designated for bulk fuel storage in the fuel farm area of the Airport.

### **Minimum Standards**

In addition to the minimum requirements for dispensing aviation fuel as set out in Article VII of the Airport Rules and Section 9.5 of these Minimum Standards, and except as otherwise provided in any written agreement between an FBO and the County, an FBO conducting aviation fuel and oil sales or service to the public on the Airport shall be subject to the following minimum standards:

1. FBOs shall provide appropriate grades and types of aviation fuel for both piston and turbine engine aircraft. Fuel sold by an FBO shall meet quality specifications as outlined in ASTM D 1655 (Jet A) and ASTM 1910 (AvGas). Ensuring the quality of fuel is the responsibility of the FBO.
2. FBOs shall demonstrate that satisfactory arrangements have been made with a reputable aviation petroleum supplier/distributor for the delivery of aviation fuels in the quantities that are necessary to meet the requirements set forth or the reasonable demands of consumers, whichever is greater.
3. FBOs shall provide for an adequate inventory of generally accepted grades of aviation engine oil and lubricants.
4. FBOs shall provide an adequate number of suitable aircraft fuel servicing tank vehicles for safe dispensing of fuels to meet demands of the public. Vehicles must meet all applicable federal, state, and local requirements for each type of fuel dispensed and enough vehicles in operating condition at all times fuel is required to be available. At a minimum, an FBO shall have one 100LL fuel truck of not less than 750 gallon capacity and one Jet A fuel truck of not less than 1,500 gallon capacity.
5. FBOs shall provide a sufficient number of properly trained personnel to serve the public between the hours of 0700 and 1900 local time, seven (7) days per week, 365 days per year. They shall provide emergency fuel service on-call, not to exceed thirty (30) minutes response time, during other hours, including service to air taxi/charter/freight and emergency aircraft on demand. All FBO employees who service aircraft must successfully complete an aircraft fueling course sponsored by the FAA, TxDot, fuel supplier, or national aviation organization, with written evidence of such training on file and available for inspection upon request by the Director.
6. FBOs shall provide for the safe storage and handling of fuel in conformance with all applicable federal, state and local requirements and fire codes, as published or as hereafter amended.

7. FBOs shall ensure adequate bonding wires are installed, continuously inspected and maintained on all fueling equipment to reduce the hazards of static electricity.
8. An FBO shall have a fixed fuel storage system located in the Airport Fuel Farm storage area, with safety fixtures and filtration systems to ensure industry-standard type quality, and comply with applicable FAA, EPA, TCEQ, NFPA, and local rules, regulations and guidelines. The system shall be required to have at least 10,000 gallons of storage for each type of fuel the FBO is required to provide. The storage system must include adequate fuel spill prevention features and containment capabilities, as required by federal and state regulations as currently required or hereinafter amended. A copy of an approved fuel Spill Prevention Control and Countermeasures Plan (SPCC) shall be placed on file with the Director.
9. Fuel spill cleanup is the responsibility of the fueling operator. Fueling operators are required to develop a fuel spill clean up plan which minimizes the possibility of ignition of spilled flammable fuel and prevents the introduction of fuels into the storm water or sewer systems. Clean up plans shall require, and the FBO shall provide, an adequate supply of approved absorbent materials and non-spark equipment to handle fuel spills. All spills of five gallons or more shall be reported to the airport director within one hour of the occurrence.
10. All FBOs that dispense aviation fuel on the Airport shall pay the County a Fuel Flowage Fee as determined and applied by the Commissioners Court and in the existing amount, or as that amount may be changed hereafter by Commissioners Court. The Fuel Flowage Fee shall be computed per gallon delivered into the FBOs fuel storage tank, or any other basis that may be determined to be appropriate by Commissioners Court. On the first day of each month, FBOs shall submit to the Director copies of all Bills of Lading for the delivery of fuel to the FBO during the previous month. Fuel Flowage Fees shall be due and payable to the County no later than the tenth day of each month for fuel delivered during the previous month.
11. FBOs shall maintain records that identify the amount (number of gallons) of aviation fuel purchased by Operator (by fuel type) and delivered to Operator's fuel storage facility (by fuel type). Those records shall be subject to audit by the Director or the County Auditor upon request and during normal business hours.

## **SECTION 9.6 SELF-SERVE COMMERCIAL FUEL SERVICE**

### **Statement of Concept**

A Self-Serve Commercial Fuel Service is a commercial activity for the sale of Jet Fuel and/or Aviation Gasoline (Avgas) through a fixed self-service fueling station.

### **Minimum Standards**

Only an FBO is eligible to provide a self-serve commercial fuel service. In addition to the general requirements of an FBO as set forth above in Section 9.5, self-serve commercial fuel service operators shall comply with the following minimum standards set forth in this section.

1. These FBOs shall lease and use enough paved apron area of the size and weight-bearing capacity adequate to accommodate the largest aircraft that may be using the

2. These FBOs shall construct or install and maintain, in addition to bulk fuel storage facilities in the Fuel Farm, an on-Airport above-ground fuel storage facility at the Airport, in a location consistent with the Airport Master Plan and the ALP and approved by the Director and/or Commissioners Court.
3. An FBOs fuel storage facility at the point of sale shall have a total capacity for three (3) days peak supply of aviation fuel being sold by the FBO. In no event may the total storage capacity be less than 10,000 gallons for each grade of fuel provided.
4. This FBO shall, at its sole expense, maintain its fuel storage and dispensing facilities, all improvements thereon, and all appurtenances thereto, in a clean, neat, orderly and fully functional condition consistent with good business practice, and equal or better than in appearance and character to other similar improvements on the Airport.
5. Prior to transporting (or arranging for the transportation of) fuel to the self-service fuel dispensing station on the Airport, this FBO shall provide the Director with a written Spill Prevention, Control, and Countermeasures Plan (SPCC Plan) that meets all regulatory measures applicable to above-ground fuel storage facilities and the FBO's activities. An updated copy of the SPCC Plan shall be filed with the Director before commencing operations and at least 30 days prior to any change in operations.
6. These FBOs shall maintain records that identify the amount (number of gallons) of aviation fuel purchased (by fuel type) and delivered to their on-Airport fuel storage/dispensing facility (by fuel type). Those records shall be subject to audit by the Director or the County Auditor upon request and during normal business hours.
7. A self-serve fuel dispensing station shall:
  - a. Be constructed or installed in a location approved by the Director and/or Commissioners Court;
  - b. Be available and maintained by the FBO for public commercial use;
  - c. Have the capability of accepting all major credit cards;
  - d. Have detailed and readily accessible instructions for the proper and safe operation of the system and a fully functional and readily accessible telephone and emergency shut-off;
  - e. Be equipped with metering devices that meet regulatory requirements;
  - f. Be equipped and maintained to comply with all applicable regulations;
  - g. Have adequate wheel chocks for aircraft parking in open apron areas;
  - h. Have spill kits with the necessary equipment and materials to contain a fuel spill and keep it from flowing into drains or other areas; and

- i. Have an adequate number of approved, properly rated and regularly inspected dry chemical fire extinguisher units maintained at the location.
8. The fixed self-serve fueling station and related equipment shall be open and available seven (7) days per week (including holidays), twenty-four (24) hours per day, with a readily accessible contact person available around-the-clock.

## **SECTION 9.7 RADIO, INSTRUMENT, ELECTRONICS, AND PROPELLER SALES/SERVICES**

### **Statement of Concept**

This activity includes repair, maintenance, testing, sale, installation, and servicing of aircraft radios, instruments, avionics and propellers, or any combination of the above. The operator shall hold the appropriate repair station certificates issued by the FAA for the types of equipment planned to be serviced and/or installed.

### **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. Operators shall have at least one trained person on duty during designated business hours who holds an FAA rating in accordance with the Operator's repair station certificate.
2. Prior to lease start date, an Operator shall obtain and maintain FAA Repair Station with Radio Repair Ratings for the type of service to be offered.
3. Operator shall lease or have available a minimum of 1,000 square feet shop/ office space and 2,000 square feet hangar space on-Airport, with a minimum of one available inside or outside tie-down space adequate for the type, model, and size of aircraft to use the provided service.
4. Operator shall ensure that testing and maintenance equipment do not cause radio and/or electronic interference with other electronic equipment on the Airport, or emit signals on unauthorized frequencies.
5. Operator shall be open for business at least eight (8) hours per day, five (5) days per week.

## **SECTION 10 SPECIALIZED AVIATION SERVICES**

### **Statement of Concept**

A specialized aviation service includes aircraft modifications (STCs), aircraft paint, aircraft upholstery, aircraft propeller service, aircraft engine component overhaul, aircraft major rehabilitation/reconstruction and helicopter repair (exclusive of fixed wing).

## **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. A current, valid FAA certification shall be in place for persons who conduct these types of services.
2. Operators requiring inside aircraft storage for aircraft being serviced shall lease or construct an on-Airport hangar area of 2,000 square feet.
3. Operators shall have ready access to equipment necessary to meet all FAA, EPA, TCEQ, NFPA and local rules, regulations and guidelines.
4. No work may be performed outside of the hangar other than that normally allowed to be performed on the aircraft tiedown area and as set forth in the Airport Rules.
5. Operators shall provide on-Airport office space sufficient for the service offered.

## **SECTION 11 SPECIALIZED COMMERCIAL FLYING SERVICES**

### **Statement of Concept**

A specialized commercial flying service operator engages in air transportation for hire for the purpose of providing the use of aircraft for activities which may include, but are not limited to:

- a. Banner towing and aerial advertising.
- b. Crop dusting, seeding, spraying, bird chasing.
- c. Fire fighting.
- d. Non-stop sightseeing flights that begin and end at the Airport.
- e. Aerial photography and/or geological survey.
- f. News media reporting.
- g. Power line/pipe line patrol.
- h. Any other operation not specifically addressed by FAA Regulations, and not otherwise addressed in this document.

### **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. Like other commercial businesses conducting business on the Airport, Operators shall obtain a commercial activity authorization from the Director to conduct the operations of its specialized commercial flying service(s).
2. An Operator must procure facilities sufficient to accommodate all proposed activities and operations. The minimum areas required for operation in each instance shall be subject to the approval of the Director.
3. An Operator shall provide at least one aircraft suitably equipped for the type of activity to be conducted, and which meets all of the requirements of the FAA, prior to commencing operations.

4. An Operator shall provide, by means of an office or a telephone, a point of contact for the public desiring to use the Operator's services; and for the Director to communicate with the Operator.
5. For crop dusting, suitable arrangements acceptable to the Director must be made for safe storage and containment of noxious chemical materials. No poisonous or flammable materials may be stored or kept in close proximity to other facilities at the Airport. Also, suitable arrangements must be made for servicing aircraft, with adequate safeguards against spillage on runways and taxiways or pollution or disbursal of chemicals by wind to other operational areas on the airport.

## **SECTION 12 SALE OF AVIATION-RELATED BOOKS, CHARTS, PILOT HANDBOOKS, AND COCKPIT SUPPLIES**

### **Statement of Concept**

This activity includes the sale of publications required for flight, such as charts or approach books, and other supplies normally used by pilots in performing flight duties.

### **Minimum Standards**

The following standards are the minimum required for such operations on the Airport:

1. The Operator shall construct or lease enough space sufficient to accommodate the volume of sales anticipated.
2. The Operator shall provide properly lighted and readily accessible counters, showcases and display racks containing the items for sale.
3. The Operator shall provide up-to-date, current publications required for flight operations.
4. Hours of operation must be provided to the Director, and business must be reasonably available to the public.

## **SECTION 13 NON-COMMERCIAL AERONAUTICAL ACTIVITIES**

### **Statement of Concept**

Non-commercial aeronautical activities are aeronautical activities conducted by a person, firm, group, company, or corporation (not including private citizens operating for personal reasons) that conducts, on a non-profit basis, an aeronautical activity at the Airport. Such activities include, but are not limited to, flying clubs, Civil Air Patrol (CAP) operations and Self Fueling.

### **SECTION 13.1 FLYING CLUBS**

#### **Statement of Concept**

A flying club must be a non-profit entity organized for the sole purpose of providing only its members with aircraft for personal use and enjoyment.

### **Minimum Standards**

The following standards are the minimum required for such non-profit operations on the Airport:

1. Ownership of aircraft used by a flying club must be vested in the flying club, or owned pro-rata by its members.
2. A flying club shall derive no greater revenue from the use of its aircraft than the amount necessary for the actual cost of operation, maintenance and replacement of its aircraft. The club shall keep a current, complete list of the club's membership on file with the Director, and a record of club finances, which it will make available to the Director upon request.
3. The property rights of the members of a flying club must be equal, and no part of the net earnings of the club may be paid to any member in the form of salaries, wages, or bonuses.
4. The club's aircraft may not be used by other than bona fide members and by no one for hire, charter, or air taxi. Student instruction may be given in a club aircraft by one club member to another club member, providing no compensation takes place; otherwise, flight instruction must be given by a certified instructor based on the Airport. Only members may operate the club's aircraft, except for ferry or flight test by a non-member hired to perform maintenance for the club.
5. Flying clubs are prohibited from the retail selling of goods and services.
6. Each flying club shall be registered with the Director and furnish the Director a copy of its charter, by-laws, articles of incorporation, partnership agreement, or other organizational documents; a current list of its members (updated annually); a list of officers with current contact information (updated as changed); and evidence of proper liability or other insurance coverage as required herein or in the Airport Rules.
7. A flying club shall abide by all federal, state and local laws, rules and regulations, including the Airport Rules and other applicable rules and regulations the County may implement.
8. In the event a club fails to comply with these conditions, the County will notify the club in writing of such violations. The club shall have fourteen (14) days to correct such violations. If the club fails to correct the violations, the County may demand the club cease operation on the Airport or order the club's removal from the Airport.

### **SECTION 13.2 CIVIL AIR PATROL**

1. CAP units that base aircraft on or operate from the Airport shall comply with these Minimum Standards, the Airport Rules as well as any applicable federal, state and local rules, regulations and guidelines that apply.

2. CAP units shall furnish the Director a copy of their charter or mission, a current roster of members (updated annually), including names of officers and sponsors with current contact information, and evidence of liability insurance as required herein.

## **SECTION 14 ENVIRONMENTAL**

Every FBO, SASO, person, party, firm or corporation operating on the Airport shall comply with all valid, applicable federal, state, and local environmental requirements in place or as hereafter amended.

### **SECTION 14.1 STORM WATER REGULATIONS**

The Airport is subject to federal storm water regulations pursuant to 40 CFR Part 122; consequently, every FBO, SASO, person, party, firm or corporation operating on the Airport shall meet or exceed industry accepted best management practices to assure compliance with storm water regulations. In addition, all such persons shall provide necessary report or information as requested by the Director for compliance with said regulations.

## **SECTION 15 INSURANCE**

All persons conducting any kind of commercial activity on the Airport shall provide evidence to the Director of insurance coverage in the types and equal to or greater than amounts specified on the attached **Appendix B**, which is incorporated herein for all purposes, or as the types or amounts may be changed by Commissioners Court hereafter; provided that, such insurance coverage requirements shall be changed no more than once in a calendar year to be effective on January 1 of the next succeeding calendar year following the approved change. Owners shall not do or permit any act or omission to negate eligibility or applicability of insurance coverage for commercial activities conducted on the Airport at any time. Any specific exemptions from insurance coverage or alternate insurance coverage requirements provided herein that are different than the otherwise applicable amounts specified in **Appendix B** shall prevail. Any insurance coverage limits contained in land leases that are higher than the otherwise applicable amounts specified in **Appendix B** shall prevail.

## **SECTION 16 ENFORCEMENT; PENALTY FOR VIOLATION**

Any person violating any term or provision of these Minimum Standards shall have committed an offense for which citation may be made, action may be taken by Commissioners Court to halt that unauthorized activity or other punishment may be imposed by Commissioners Court or a court of competent jurisdiction in the same manner as are violations of the Airport Rules, as set forth in Article XI of the Airport Rules.

## **SECTION 17 GENERAL PROVISIONS**

**SECTION 17.1** All ordinances or rules, or parts of any ordinances or rules, inconsistent with the terms of these Rules are hereby repealed; provided, however, that such repeal shall be valid only to

the extent of such inconsistency of other ordinances or rules regulating and governing the subject matter covered by these Rules.

**SECTION 17.2** If any provision, section, exception, subsections paragraph, sentence, clause or phrase of these Rules, or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void or invalid, such provision(s) of these Rules or its (their) application to other sets of circumstances are declared to be severable.

**SECTION 17.3** Should any part of these Rules subsequently be held invalid by court of competent jurisdiction, no other part shall necessarily be affected thereby and all other parts not held invalid shall continue to apply and operate in full force and effect.

**SECTION 17.4** A person who receives notice of an adverse decision from the Director under these Minimum Standards may contest the Director's decision by filing a written request for reconsideration with the Director. The request for reconsideration must be filed on or before the 30<sup>th</sup> day following the date the decision is issued by the Director. On receipt of a timely request for reconsideration of a decision, the Director shall reevaluate the issue and notify the person of the Director's final decision. Following reconsideration by the Director, the person may then appeal the Director's final decision by filing a written appeal petition with the Montgomery County Commissioners Court on or before the 30<sup>th</sup> day following the date the final decision is issued by the Director.

## **SECTION 18 COMMUNICATIONS AND CONTACT INFORMATION**

Questions concerning these Minimum Standards may be submitted to the Director by email or by letter faxed, mailed or hand-delivered to the Director as follows:

Attention: Director  
Lone Star Executive Airport  
10260 Carl Pickering Memorial Dr.  
Conroe, Texas 77303  
936-788-8311  
(fax) 936-760-6993  
scott.smith@mctx.org

## **SECTION 19 EFFECTIVE DATE**

These Minimum Standards shall become effective on the date of approval by Commissioners Court. Consequently, on and after the date these Minimum Standards are approved, all users of the Airport shall be subject to the terms and provisions herein.

Revised 1/2010

## Appendix A

### LONE STAR EXECUTIVE AIRPORT MONTGOMERY COUNTY, TEXAS

#### APPLICATION FOR COMMERCIAL ACTIVITY AUTHORIZATION

Applicant is seeking: (check one)

- Commercial Activity Authorization (required to complete Sections 1, 2, and 4 below)
- Incidental Commercial Activity Authorization (required to complete Sections 1,3 and 4 below)
- Request for Exemption (required to complete Sections 1 and 5 below)

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#### Section 1

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Applicant:		
Business or Trade Name (if applicable):		
Authorized Representative:	Title:	
Address:		
City, State, Zip code:		
Phone:	Fax:	Cell:
Email address:		

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#### Section 2 - Commercial Activity Authorization

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Please provide the following information. Attach additional sheets as necessary to provide complete information. The Airport Director may request additional or alternative information at his/her discretion.

1. Proposed name and nature of the business, including intended services: (business plan may be attached to express the proposed nature of the business: \_\_\_\_\_

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2. 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, corporate officer and manager:

_____	_____
_____	_____
_____	_____

3. A current financial statement for business and/or owners. Certification by a Certified Public Accountant may be required.
4. A listing of assets owned, expected to be purchased, or leased, which will be used in the operation of business on the Airport.
5. 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.
6. Preliminary plans, specifications and dates for any improvements which the applicant intends to make on the Airport for the proposed business. Applicant must comply with all applicable code and permit requirements and the Director's requirements.
7. Evidence of ability to acquire required insurance coverage in the amount(s) required herein.
8. A detailed business plan including profit and loss projections for the first five years of operations and the source of capital for start-up and initial operations.
9. Résumés of principals and/or proposed on-site management personnel.

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**Section 3 - Incidental Commercial Activity Authorization**

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An Application for Incidental Commercial Activity Authorization may be submitted in lieu of an Application for Commercial Activity Authorization for Commercial Activities performed or provided at the Airport on a one-time or non routine basis, or for specialized, unique, or boutique Commercial Activities in which the Application for Commercial Activity Authorization would be too onerous or burdensome, as determined by the Director. An Application for Incidental Commercial Activity Authorization is not intended to be used for Commercial Activities that are offered or advertised to all general Airport users.

Please provide the following information. Attach additional sheets as necessary to provide complete information. The Airport Director may request additional or alternative information at his/her discretion.

1. Name of the person or business providing service: \_\_\_\_\_.

2. The intended services to be performed, including scope of services:

\_\_\_\_\_  
\_\_\_\_\_.

3. Anticipated time necessary to perform services: \_\_\_\_\_.

4. Location where intended services will be performed within the Airport: \_\_\_\_\_  
\_\_\_\_\_.

5. Brief statement to demonstrate that services meet aforementioned criteria for Incidental Commercial Activity Authorization \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

6. Evidence of insurance providing coverage for damages or loss suffered by the County or other Airport users resulting from the actions or omissions of the person or business performing the intended services. Insurance Coverage for Incidental Commercial Activity Authorization may be either in form of liability insurance coverage provided by the Airport user receiving services, or liability insurance coverage provided by the service provider, in the amount(s) required herein.

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**Section 4 – Notice of Terms**

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The Applicant hereby requests that Montgomery County, Texas grant the privilege of conducting commercial activities on the grounds of the Airport, and in consideration for this privilege request being granted, agrees to the following:

- ✓ Fee Payment: The Applicant agrees to make timely payment of all applicable monthly/annual fees, including applicable interest and penalties without deduction of any kind.
- ✓ Permit Limitations: This permit may not be assigned or transferred, and is limited to only the approved business activity specified herein.
- ✓ Information Changes: The Applicant shall notify the Airport Director in writing within fifteen (15) days of any change in the information provided on this application.
- ✓ Term: Any approval for the business activities proposed in this application shall be effective for one year, except that approval for a business activity conducted in accord with a lease, or other written agreement executed with Montgomery County concerning premises leased for the business activity stated herein, shall be effective for the entire term of said lease or other written agreement, unless revoked earlier by Montgomery County.
- ✓ Compliance with the Law and Lease: The Applicant shall comply with all applicable laws, ordinances, rules and regulations, and shall also abide by the terms and provisions of any

- ✓ Compliance with the Airport Rules and Regulations and the Minimum Standards for Commercial Aeronautical Activities. The Applicant acknowledges receipt of said Rules and Regulations and the Minimum Standards and agrees to abide by the terms and provisions therein or as amended.
- ✓ Revocation of Authorization: Montgomery County, Texas may immediately revoke any or all privileges granted to Applicant upon the failure of Applicant to abide by the terms of this Application.

I certify that the information contained herein is true to the best of my information and belief.

Application submitted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Applicant's Printed name: \_\_\_\_\_

**Section 5 – Request for Exemption**

A request for exemption may be submitted to seek an exemption from the Minimum Standards for Commercial Aeronautical Activities. A request for exemption is limited to activities that are expressly allowed an exemption under the Minimum Standards for Commercial Aeronautical Activities.

Please provide the following information. Attach additional sheets as necessary to provide complete information. The Airport Director may request additional or alternative information at his/her discretion.

1. Name of the person or business providing service: \_\_\_\_\_.
2. The intended services to be performed, including scope of services: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.
3. Anticipated time necessary to perform services: \_\_\_\_\_.
4. Location where intended services will be performed within the Airport: \_\_\_\_\_  
 \_\_\_\_\_.
5. Section(s) of Minimum Standards for Commercial Aeronautical Activities that provide the specific exemption for above activity \_\_\_\_\_.

The Applicant hereby requests that Montgomery County, Texas grant an exemption from the Minimum Standards for Commercial Aeronautical Activities for the activity specified above, and in consideration for this request being granted, agrees to the following:

- ✓ Compliance with the Law and Lease: The Applicant shall comply with all applicable laws, ordinances, rules and regulations, and shall also abide by the terms and provisions of any lease or other agreement executed with Montgomery County concerning premises used for the activity stated above.
- ✓ Compliance with the Airport Rules and Regulations. The Applicant acknowledges receipt of said Rules and Regulations agrees to abide by the terms and provisions therein or as amended.
- ✓ Revocation: Montgomery County, Texas may immediately revoke any or all privileges granted to Applicant upon the failure of Applicant to abide by the terms of this Application.

I certify that the information contained herein is true to the best of my information and belief.

Application submitted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Applicant's Printed name: \_\_\_\_\_

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**Space Below For County Use Only**

Date Application received: \_\_\_\_\_

Date reviewed by Airport Director: \_\_\_\_\_

Approved by Airport Director: \_\_\_\_\_

Date Application approved: \_\_\_\_\_

Application approved for: (initial one)

- \_\_\_\_\_ Commercial Activity Authorization
- \_\_\_\_\_ Incidental Commercial Activity Authorization
- \_\_\_\_\_ Exemption from Minimum Standards

Disapproved by Airport Director: \_\_\_\_\_

Date Application disapproved and Applicant notified: \_\_\_\_\_

## APPENDIX B

### INSURANCE REQUIREMENTS FOR AIRPORT LESSEES, TENANTS, USERS

#### I. LESSEES, TENANTS

These are prescribed minimum limits; however, good business indicates that higher limits should be used for most businesses. At any given time, all lessees, tenants and users shall maintain, or increase to maintain, the minimum insurance requirements as stipulated in the then current Court-approved Minimum Standards. (Minimum insurance limits are subject to possible adjustment annually).

- A. Fixed Base Operators: Tenant offers aircraft fueling and other commercial aeronautical services, as defined in the Minimum Standards.
1. Premises Liability: "Occurrence" coverage in the minimum amount of \$2,000,000 combined single limit (CSL) bodily injury & property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, broad form blanket contractual, employment practices liability, and pollution liability.
  2. Physical Damage: Combined single limit for the full replacement value of all improvements.
  3. Aircraft and Airport Operations, including passengers, products and completed operations: Combined single limit for bodily injury and property damage of \$2,000,000 each occurrence.
  4. Hangar Keepers Liability: \$1,000,000 but not less than the replacement value of all aircraft in the care, custody and control of tenant.
  5. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.
  6. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements.

For A.1 and A.3 above, policy/policies must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. Montgomery County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

B. Specialized Aviation Service Operation (SASO) – Aircraft Repair/Maintenance, Parts/Sales, Restoration Services, Avionics Repair/Part/Sales, Propeller Repair

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence and \$1,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, broad form blanket contractual, pollution liability.
2. Physical Damage: Combined single limit for the full replacement value of all improvements.
3. Hangar Keepers Liability: \$500,000 but not less than the replacement value of all aircraft in the care, custody and control of tenant.
4. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.
5. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements (may be waived there are no employees).

For B.1 above, policy must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

C. Specialized Aviation Service Operation (SASO) – Flight Instruction, Aircraft Rental, Sightseeing Tours, Aerial Photography, Aerial Surveying, Crop Dusting, Aerial Advertising, Flying Clubs

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence and \$1,000,000 aggregate, including personal injury, broad form property damage.
2. Physical Damage: Combined single limit for the full replacement value of all improvements.
3. Aircraft Liability: Combined single limit for bodily injury and property damage of \$1,000,000 each occurrence \$100,000 per passenger.
4. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.

5. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements.

NOTE: The WC requirement is waived only if the Tenant is a sole proprietor with no employees, volunteers or family members working in the business. Proof of personal medical insurance will be required instead.

For C.1 and C.3 above, policy must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

D. Specialized Aviation Service Operation (SASO) – Aircraft Sales

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence and \$1,000,000 aggregate, including personal injury, broad form property damage, products/completed operations.
2. Physical Damage: Combined single limit for the full replacement value of all improvements.
3. Aircraft Liability: Combined single limit for bodily injury and property damage of \$2,000,000 each occurrence \$100,000 per passenger.
4. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.
5. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements.

NOTE: The WC requirement is waived only if the Tenant is a sole proprietor with no employees, volunteers or family members working in the business. Proof of personal medical insurance will be required instead

For D.1 and D.3 above, policy must name Montgomery County, Texas additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

E. Specialized Aviation Service Operation (SASO) - Air Taxi/Charter and Air Freight (Part 135)

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence, and \$1,000,000 aggregate, including personal injury, broad form property damage.
2. Physical Damage: Combined single limit for the full replacement value of all improvements.
3. Aircraft Liability and Airport Operations, including passengers: Combined single limit for bodily injury and property damage per occurrence:  

Passenger capacity 1-4 \$2,000,000  
Passenger capacity 5-9 \$5,000,000  
Passenger capacity 10+ \$15,000,000
4. Hangar Keepers Liability: (if applicable) \$1,000,000 but not less than the replacement value of all aircraft in the care, custody and control of tenant.
5. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.
6. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements.

NOTE: The WC requirement is waived only if the Tenant is a sole proprietor with no employees, volunteers or family members working in the business. Proof of personal medical insurance will be required instead.

For E.1 and E3 above, policy/policies must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

F. Aircraft Hangar Leasing:

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence.

2. Physical Damage: Combined single limit for the full replacement value of all improvements.
3. Aircraft Liability: Combined single limit for bodily injury and property damage of \$1,000,000 each occurrence.
4. Hangar Keepers Liability: \$1,000,000 but not less than the replacement value of all aircraft in the care, custody and control of tenant.
5. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists. Limits of \$500,000 for each occurrence.
6. For aircraft which are out of License and/or not airworthy, a signed statement to that fact with a promise to obtain the required insurance before operating said aircraft shall be filed in lieu of the aircraft liability insurance certificate.

For F.1 and F.3 above the policy/policies must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

G. Privately-Owned Aircraft Storage Hangar (non-commercial, includes all based aircraft, as well as ultralights, occupying tie-downs and private hangars).

1. Premises Liability (unless provided by Hangar Association; tie-downs excluded): Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence.
2. Physical Damage: Combined single limit for the value of all improvements.
3. Aircraft liability: Combined single limit for bodily injury and property damage of \$1,000,000 each occurrence.
4. For aircraft which are out of License and/or not airworthy, a signed statement to that fact with a promise to obtain the required insurance before operating said aircraft shall be filed in lieu of the aircraft liability insurance certificate.

For G.1 above the policy/policies must name Montgomery County, Texas additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation

notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

For G.3 above the policy/policies must name Montgomery County, Texas as Certificate Holder.

H. Hangar Associations (Privately-Owned Aircraft Storage Hangars, non-commercial).

1. Premises Liability: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence.
2. Physical Damage: Combined single limit for the full replacement value of all improvements.

For H.1 above the policy must name Montgomery County, Texas as additional insured. An additional insured endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

I. Self Fueling Activity: (As defined in the Minimum Standards and Rules/Regulations).

1. General Liability, including pollution coverage: Combined single limits for bodily injury and property damage of \$1,000,000 each occurrence.
2. Owned and Non-Owned Auto Liability: (if applicable) Limits of \$500,000 for each occurrence.

For I.1 above the policy must name Montgomery County, Texas as additional insured. An additional insured Endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

J. Industrial and Non-aviation Business:

1. Commercial General Liability: "Occurrence" coverage in the minimum amount of \$2,000,000 combined single limit (CSL) bodily injury and property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, broad form blanket contractual.

2. Business Auto Policy: Including all owned autos, non-owned autos, scheduled autos and uninsured motorists: Limits of \$500,00 for each occurrence.
3. Workers' Compensation (WC) coverage, in full compliance with Texas statutory requirements, for all employees of Tenant and Employer's Liability in the minimum amount of \$1,000,000.

Note: The WC requirement is waived only if the Tenant is a sole proprietor with no employees, volunteers or family members working in the business. Proof of Personal Medical insurance will be required instead.

For J.1 above the policy must name Montgomery County, Texas as additional insured. An additional endorsement and a certificate of insurance must be provided with a 30-day cancellation notice. The County must be informed immediately if the general aggregate of insurance is exceeded and additional coverage must be purchased to meet the above requirements.

If Lessee is self-insured for any or all of the required insurance coverage's, Lessee agrees to provide Lessor with written confirmation that Lessee is a duly authorized and funded self-insured entity for those coverage's under the laws of the State of Texas. Lessor agrees to accept Lessee's status as a self insured entity as satisfactory compliance with Lessor's normal insurance requirements as listed above.

Any insurance limits required that exceed the Lessee's self-insured coverage shall be in compliance with the insurance requirements listed above.