

ORDINANCE NO. 016-2025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER 10 OF THE BIG SPRING CITY CODE TO PROVIDE FOR MINIMUM STANDARDS AT THE BIG SPRING McMAHON-WRINKLE AIRPORT; PROVIDING FOR THE REPEAL OF CONFLICTING LEGISLATION; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE WAS DISCUSSED WERE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Big Spring is a Texas home-rule municipality; and

WHEREAS, the City Council of Big Spring, the governing body of the City of Big Spring, desires to maintain minimum standards for the operation of Big Spring McMahan-Wrinkle Airport; and

WHEREAS, adopting this ordinance is in the public interest and is necessary to protect health, life and property, and to preserve the good government, order, and security of the municipality and its inhabitants;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS:

SECTION 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

SECTION 2. The Big Spring City Code, Chapter 10 entitled "Aviation," Article II entitled "Aeronautical Activities and Services at Big Spring Airport and Industrial Park," Division 2, entitled "Minimum Standards for Commercial Aeronautical Activities and Services," is hereby renamed and amended in its entirety.

**ARTICLE II. AERONAUTICAL ACTIVITIES AND SERVICES AT
BIG SPRING AIRPORT AND INDUSTRIAL PARK**

**DIVISION 2. MINIMUM STANDARDS FOR BIG SPRING McMAHON-WRINKLE
AIRPORT**

Sec. 10-48. Minimum Standards

The city council adopts the Big Spring McMahan-Wrinkle Airport Minimum Standards which are attached hereto as Exhibit "A" and apply to operators and tenants of the airport. The minimum standards are not codified, but copies of the same are on file with the city secretary's office and the airport director's office and may be reviewed during normal business hours at the locations of those offices. Any changes or amendments to the minimum standards shall be approved by the city council.

~~DIVISION 2. MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL ACTIVITIES AND SERVICES~~

~~Sec. 10-48. Aircraft sales (new and/or used).~~

~~—(a) Statement of concept. An aircraft sales operator is a person, firm, or corporation engaged in the sale of new and/or used aircraft through franchises, or licensed dealership or distributorship (either on a retail or wholesale basis) of an aircraft manufacturer or otherwise; and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used aircraft sold by him.~~

~~—(b) Minimum standards.~~

~~—(1) The operator shall lease from the city an area not less than 18,000 square feet of ground space to provide for outside display and storage of aircraft on which shall be erected a building providing at least 3,000 square feet of floor space for aircraft storage, and at least 800 square feet of floor space for office, restrooms, customer lounge and telephone facilities for customer use; auto parking space with minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~—(2) The operator shall provide necessary and satisfactory arrangements for the repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Big Spring Airport. The operator shall meet the requirements set forth by the franchisor for parts inventory and shall have the minimum number of aircraft as set forth by the franchisor.~~

~~—(3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Passenger liability~~

~~Each passenger, each accident ————— \$75,000.00~~

~~Property damage~~

~~Each accident ————— \$50,000.00~~

~~(B) — Comprehensive public liability and comprehensive property damage:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

Property damage

Each accident _____ \$50,000.00

~~(C) Hangar keepers liability (if applicable):~~

Each accident _____ \$300,000.00

~~— (4) The operator shall have his premises open and services available five days a week.~~

~~— (5) The operator shall have in his employ (and on duty during operating hours) trained personnel in such numbers as are required to meet the minimum standards and requirements set forth in an efficient manner, but never less than one person possessing the minimum requirements of the FAA to perform the duties required in this activity.~~

~~Sec. 10-49. Repair station facilities (airframe, power plant).~~

~~— (a) Statement of concept. An aircraft engine and airframe maintenance and repair operator is a person, firm or corporation (or a combination of) providing airframe and power plant overhaul and repair services, with at least one person currently certified by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.~~

~~— (b) Minimum standards.~~

~~— (1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space on which shall be erected a building providing at least 3,000 square feet of floor space for airframe and power plant overhaul and repair services and at least 800 square feet of floor space for office, restrooms, customer lounge and telephone facilities for customer use; auto parking with minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~— (2) The operator shall provide sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturers' recommendations or equivalent for the types of aircraft upon which he performs maintenance.~~

~~— (3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person _____ \$100,000.00~~

~~For more than one person _____ \$300,000.00~~

~~Property damage~~

~~Each accident _____ \$50,000.00~~

~~(B) — Comprehensive public liability and comprehensive property damage:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Property damage~~

~~Each accident ————— \$50,000.00~~

~~(C) — Hangar keepers liability (if applicable):~~

~~Each accident ————— \$300,000.00~~

~~— (4) The operator shall have his premises open and services available five days a week.~~

~~— (5) The operator shall have in his employ (and on duty during operating hours) trained personnel in such numbers as are required to meet the minimum standards and requirements set forth in an efficient manner, but never less than one person currently certified by the Federal Aviation Administration with rating appropriate to the work being performed and with access to an AI.~~

~~Sec. 10-50. Aircraft rental.~~

~~— (a) Statement of concept. An aircraft rental operator is a person, firm or corporation engaged in the rental of aircraft to the public.~~

~~— (b) Minimum standards.~~

~~— (1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space on which shall be erected a building providing at least 3,000 square feet of floor space for aircraft storage, and at least 800 square feet of floor space for office, restrooms, customer lounge and telephone facilities for customer use; auto parking space with minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~— (2) The operator shall have available for rental, either owned or under written lease to operator, a sufficient number of aircraft properly certified to handle the proposed scope of his operation, but not less than four certified and currently air-worthy aircraft, at least two of which must be four-place aircraft.~~

~~— (3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Passenger liability~~

~~Each passenger, each accident ————— \$75,000.00~~

~~Property damage~~

~~Each accident ————— \$50,000.00~~

~~(B) — Comprehensive public liability and comprehensive property damage:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Property damage~~

~~Each accident ————— \$50,000.00~~

~~(C) — Hangar keepers liability (if applicable):~~

~~Each accident ————— \$300,000.00~~

~~— (4) The operator shall have his premises open and services available seven days a week.~~

~~— (5) The operator shall have in his employ (and on duty during operating hours) trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner.~~

~~Sec. 10-51. Flight training.~~

~~— (a) Statement of concept. A flight training operator is a person, firm or corporation engaged in instructing pilots in dual and solo flight training, in fixed and/or rotary wing aircraft, and provides such related ground school instruction as is necessary preparatory to taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.~~

~~— (b) Minimum standards.~~

~~— (1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space on which shall be erected a building providing at least 3,000 square feet of floor space for aircraft storage, and at least 1,200 square feet of floor space for office, restrooms, customer lounge and telephone facilities for customer use; auto parking space with minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~—(2) The operator shall have available for use in flight training, either owned or under written lease to operator, a sufficient number of aircraft properly certificated to handle the proposed scope of his student operation, but not less than three properly certificated aircraft, at least one of which must be a four place aircraft, and at least one of which must be equipped for and capable of use in instrument flight instruction.~~

~~—(3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Property damage~~

~~Each accident ————— \$100,000.00~~

~~(B) — Comprehensive public liability and comprehensive property damage:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Property damage~~

~~Each accident ————— \$100,000.00~~

~~(C) — Hangar keepers liability:~~

~~Each accident ————— \$300,000.00~~

~~—(4) The operator shall have his premises open and services available five days a week.~~

~~—(5) The operator shall have on duty, on a full-time basis, at least one flight instructor who has been currently certificated by the Federal Aviation Administration to provide the type of flight training offered; and shall have available on call, on a part-time basis, at least one flight instructor who has been currently certificated by the Federal Aviation Administration to provide the type of flight training offered which shall include at least private, commercial and instrument ratings.~~

~~Sec. 10-52. Line services (aircraft fuels and oil dispensing).~~

~~—(a) Statement of concept. Line services shall include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants and other related petroleum products. The~~

~~operator shall provide servicing of aircraft, including ramp assistance and the parking, storage and tie down of aircraft.~~

~~—(b) Minimum standards. The operator shall lease from the city an area not less than 18,000 square feet of ground space on which shall be erected a building providing at least 800 square feet of floor space for office, restrooms, customer lounge and telephone facilities for customer use; auto parking space with a minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~—(c) Fuel storage. Facilities for two 1,200 gallon trucks of aircraft fuels if two popular grades of fuel are available, must be provided by the operator in a fuel storage area to be designated by the city manager, or his authorized representative. The charges for the use of airport property for storage facilities will be negotiated prior to contract establishment. Aboveground storage will be permitted in a city designated fuel farm.~~

~~—(d) Refueling. The operator will provide pumps for dispensing the aviation fuel at a central location. If a mobile dispenser is provided, it shall have metered fuel dispensers for the number of grades of fuel sold by the operator, separate dispensing pumps and meters for each grade of fuel. The mobile dispenser shall meet all applicable safety requirements and shall have a reliable metering device subject to independent inspection.~~

~~—(e) Product quality control and safety.~~

~~—(1) Must identify delivery of fuel as to proper grade.~~

~~— a. Be sure all compartments and valves are sealed; record seal numbers.~~

~~— b. Color and military specifications.~~

~~— c. Check truck tank sump for contamination, by use of industry accepted methods.~~

~~—(2) Check storage tanks for water and contamination; neither will exceed industry accepted standards.~~

~~—(3) All turbine fuels must be filtered before entering storage tanks.~~

~~—(4) Daily checks for water and contamination must be made by use of industry accepted methods.~~

~~—(5) Fuel may be removed only through an industry approved filtration system.~~

~~—(6) Filters must be of multiple cartridge type provided with visual filter container contamination equipment. The filters must also be equipped with differential pressure measuring equipment.~~

~~—(7) All equipment, mobile and otherwise, must be color coded, placarded and identifiable in accordance with industry accepted standards.~~

~~—(8) For turbine fuels, under-tank loading will be required.~~

~~— (9) At the beginning of each day, unless the trucks are refilled during the working day from underground storage, a visual sump check of both the tank and filter will be made to determine contamination.~~

~~— (10) For turbine fuel, in addition, a mechanical or chemical check will also be made.~~

~~— (11) In addition to the above preventative measures, the vendor will also be required to make weekly, monthly, semi-annual and annual filtration equipment inspections to determine that they meet industry accepted standards, and the vendor will replace same as required.~~

~~— (12) At all places in the foregoing where inspections are required, the vendor will be responsible for keeping duplicate written records in an acceptable form, and at the end of each month will, upon request, provide the city manager or his designated representative with the duplicate copy.~~

~~— (13) The vendor will be required to provide safety facilities to meet the requirements established by the owner.~~

~~— (f) Minor repair service. The operator shall provide such minor repair service not requiring a certificated mechanical rating, and cabin services, to general aviation aircraft as can be performed efficiently on the ramp or other apron parking area, but only within the premises leased to the operator or upon such other areas as the city manager or his designated representative may authorize.~~

~~— (g) Equipment needed. The operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, air compressors and fire extinguishers, as appropriate and necessary for the servicing of general aviation aircraft using the airport. All equipment shall be maintained and operated in accordance with local, state and federal industrial codes.~~

~~— (h) Insurance requirements.~~

~~(1) — Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Passenger liability~~

~~Each passenger, each accident ————— \$75,000.00~~

~~Property damage~~

~~Each accident ————— \$50,000.00~~

~~(2) — Hangar keepers liability (if applicable):~~

~~Each accident ————— \$300,000.00~~

~~(3) — Motor vehicle liability:~~

Bodily injury (each accident)

Each person _____ \$100,000.00

Property damage

Each accident _____ \$50,000.00

~~—(i) Hours of operation. The operator shall have his premises open and available 5½ days per week, but be subject to call 24 hours per day seven days a week.~~

~~—(j) Employee requirements. The operator shall have in his employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards and requirements set forth in an efficient manner.~~

~~Sec. 10-53. Specialized aircraft repair services radios, propellers, instruments and accessories.~~

~~—(a) Statement of concept. A specialized aircraft repair service operator is a person, firm or corporation engaged in a business capable of providing a shop or a combination of Federal Aviation Administration certified shops for the repair of aircraft radios, propellers, instruments and accessories, but such is not an exclusive right.~~

~~—(b) Minimum standards.~~

~~—(1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space on which shall be erected a building providing at least 800 square feet of floor space to house all equipment, and to provide an office, shop, restrooms, customer lounge and telephone facilities for customer use; auto parking accommodations for five automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities and operations. The avionics portion of the services offered must maintain current the qualifications of Class I and Class II FAA designated repair station.~~

~~—(2) The operator shall obtain and maintain, as a minimum, the repair station certificates as required by the Federal Aviation Administration, which are applicable to the operations contemplated. The operator may furnish one, or if desired, any combination of the services mentioned above.~~

~~—(3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Comprehensive public liability and comprehensive property damage:~~

~~Bodily injury (each accident)~~

~~Each person _____ \$100,000.00~~

~~For more than one person _____ \$300,000.00~~

~~Property damage~~

~~Each accident _____ \$50,000.00~~

~~(C) — Hangar keepers liability:~~

Each accident _____ \$300,000.00

~~— (4) The operator shall have his premises open and services available five days a week.~~

~~— (5) The operator shall have in his employ and on duty during operating hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, at least one of who is currently certificated as Federal Aviation Administration rated radio, instrument or propeller repairman.~~

~~Sec. 10-54. Aircraft charter and air taxi.~~

~~— (a) Statement of concept. An aircraft charter (commercial operator) and an air taxi operator is a person, firm or corporation engaged in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis (commercial operations) or as an air taxi operator, as defined in the Federal Aviation Act of 1958, or as said act may be supplemented or amended from time to time.~~

~~— (b) Minimum standards:~~

~~— (1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space on which shall be erected a building providing for at least 3,000 square feet of floor space for aircraft storage, and at least 1,200 square feet of floor space for office, restroom, customer lounge and telephone facilities for customer use; auto parking space with minimum accommodations for ten automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities.~~

~~— (2) The operator shall provide aircraft necessary to meet FAR part 135, section 135.25 (14 CFR 135.25), which is quoted below:~~

~~— a. Each certificate holder must have the exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized in his operations specifications. In addition, for each kind of operation for which he does not have the exclusive use of an aircraft, he must have available for use under a written agreement (including arrangements for performing required maintenance) at least one aircraft that meets the requirements for that kind of operation. However, this subsection does not prohibit the operator from using the aircraft for other than air taxi or commercial operations, or require him to have exclusive use of each aircraft that he uses.~~

~~— b. For the purposes of subsection (b)(2)a of this section, a person has exclusive use of an aircraft if he has the sole possession, control, and use of it for flight, as owner, or has a written agreement (including arrangements for the performance of required maintenance) giving him that possession, control and use for at least six consecutive months.~~

~~— (3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Aircraft liability:~~

Bodily injury (each accident)

Each person ————— \$100,000.00

For more than one person ————— \$300,000.00

Passenger liability

Each passenger, each accident ————— \$75,000.00

Property damage

Each accident ————— \$100,000.00

(B) — Comprehensive public liability and comprehensive property damage:

Bodily injury (each accident)

Each person ————— \$100,000.00

For more than one person ————— \$300,000.00

Property damage

Each accident ————— \$100,000.00

(C) — Hangar keepers liability (if applicable):

Each accident ————— \$300,000.00

~~— (4) The operator shall have his premises open and services available seven days a week.~~

~~— (5) The operator shall have in his employ and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner, but never less than one Federal Aviation Administration currently certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by operator. The operator shall have available sufficient qualified operating crews and satisfactory number of personnel for checking in passengers, handling of luggage and ticketing. The prospective operator shall provide reasonable assurance of a continued availability of qualified operating crews and approved aircraft within a reasonable or specified maximum notice period.~~

~~— (c) Air taxi companies not based on Big Spring Airport and Industrial Park, but who are providing scheduled service to and from the airport, are exempted from these minimum standards and requirements.~~

~~Sec. 10-55. Specialized commercial flying service.~~

~~—(a) Statement of concept. A specialized commercial flying services operator is a person, firm or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for the activities listed below:~~

~~—(1) Nonstop sightseeing flights that begin and end at the same airport within a 25-mile radius of the airport.~~

~~—(2) Crop dusting, seeding, spraying and bird chasing.~~

~~—(3) Banner towing and aerial advertising.~~

~~—(4) Firefighting.~~

~~—(5) Power line or pipeline patrol.~~

~~—(6) Any other operations specifically excluded from part 135 of the Federal Aviation Regulations.~~

~~—(b) Minimum standards.~~

~~—(1) The operator shall lease from the city an area of not less than 18,000 square feet of ground space, on which shall be constructed auto parking space with minimum accommodations for five automobiles (no on-street parking), a paved walkway, all within the leased area and sufficient to accommodate the operator's activities. Section (a)(1) of this section will require a building with a minimum of 800 square feet. In case of crop dusting, aerial application, or other commercial use of chemicals, operator shall provide a centrally drained, paved area of not less than 3,000 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical materials. Such facilities will be a location on the Big Spring Airport and Industrial Park which will provide the greatest safeguard to the public.~~

~~—(2) The operator shall provide and have based on his leasehold, either owned or under written lease to operator, not less than one airworthy aircraft, suitably equipped for, and meeting all the requirements of the Federal Aviation Administration and applicable regulations of the state with respect to the type of operations to be performed.~~

~~In the case of crop dusting or aerial application, the operator shall provide tank trucks for the handling of liquid spray and mixing liquids. The operator shall also provide adequate ground equipment for the safe handling and safe loading of dusting materials.~~

~~—(3) The operator performing the services under this category will be required to carry the following types of insurance in the limits specified:~~

~~(A) — Aircraft liability:~~

~~Bodily injury (each accident)~~

~~Each person ————— \$100,000.00~~

~~For more than one person ————— \$300,000.00~~

~~Passenger liability (where applicable)~~

Each passenger, each accident ——— \$100,000.00

Property damage

Each accident ——— \$50,000.00

(B) — Comprehensive public liability and comprehensive property damage:

Bodily injury (each accident)

Each person ——— \$100,000.00

For more than one person ——— \$300,000.00

Property damage

Each accident ——— \$50,000.00

(C) — Hangar keepers liability (where applicable):

Each accident ——— \$300,000.00

— (4) The operator shall have in his employ, and on duty during operating hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner, but never less than one person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed.

Sec. 10-56. Multiple services.

— (a) Statement of concept. A multiple services operator is a person, firm or corporation engaged in any two or more of the aeronautical services for which minimum standards have been hereinbefore provided.

— (b) Minimum standards.

— (1) The operator shall lease from the city an area of not less than 36,000 square feet of ground space for aircraft storage, parking and other use in accordance with the services to be offered, on which shall be erected a building providing at least 4,000 square feet for aircraft storage, and at least 1,200 square feet for office, restrooms, customer lounge and telephone facilities for customer use; auto parking space with minimum accommodations for 15 automobiles (no on-street parking), a paved walkway, and a paved aircraft apron, all within the leased area and sufficient to accommodate the operator's activities and operations to be provided.

— a. If flight training is one of the multiple services offered, the operator shall provide classroom and briefing room facilities in the aforementioned building.

— b. If crop dusting, serial application, or other commercial use of chemicals are part of the multiple services offered, the operator shall provide a centrally drained, paved area of not less than 3,000 square feet for aircraft loading, washing, and servicing. Operator shall also provide

for the safe loading and unloading, storage, and containment of noxious chemical materials. Such facilities will be in a location on the Big Spring Airport and Industrial Park.

~~— c. The building for aircraft storage will not be required if none of the individual services provided requires such a building under these standards. The standards for multiple services involving only line services, specialized repair services, and specialized commercial flying services will require only 18,000 square feet of ground space, 800 square feet of office space, and parking for five automobiles.~~

~~— (2) The operator shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided.~~

~~— a. Multiple uses can be made of all aircraft except aircraft used for crop dusting, aerial application, or other commercial use of chemicals.~~

~~— b. The operator, except if he is performing combinations of multiple services for which aircraft are not required, shall have available and based at the airport, either owned by the operator or under written lease to the operator, not less than two certified and currently airworthy aircraft, suitably equipped and capable of flight, to meet the minimum standards and requirements as hereinbefore provided for each aeronautical service to be performed. The operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the operator is performing.~~

~~— (3) The operator shall procure and maintain, during the term of his agreement, as a minimum, insurance coverage which is equal to the highest of the minimum limits set for the respective categories of aeronautical services being performed by the operator.~~

~~— (4) The operator shall have in his employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards and requirements set forth, in an efficient manner, for each aeronautical service being performed by the operator. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the operator.~~

~~Sec. 10-57. Commercial aviation of operator's subleasing from another commercial operator on the airport.~~

~~—Standards for sublease operations. Such operators shall meet all of the minimum standards established by the city for the category, or categories of services, to be furnished by the operator, except for the lease of land and construction of facilities.~~

NOTE* Language to be added appears underlined and language to be deleted is ~~stricken~~.

SECTION 3. All provisions of any ordinance, rule, regulation, or order of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict.

SECTION 4. Should any one or more sections or clauses of this Ordinance be adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining

provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

SECTION 5. It is hereby officially found and determined that the meetings at which this Ordinance was adopted were open to the public and that public notice of the time, place and purpose of said meetings was given as required by law.

SECTION 6. This Ordinance is ordered to be codified, except Exhibit A will not be codified.

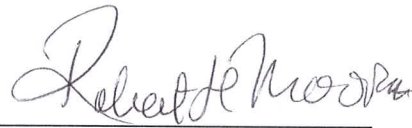
SECTION 7. This Ordinance is ordered to be published.

SECTION 8. This Ordinance shall become effective upon its second publication according to law.

SECTION 9. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and of the United States of America.

PASSED AND APPROVED on first reading at a regular meeting of the City Council on the **24th** day of **June, 2025**, with all members of the Council present voting “aye” for the passage of same.

PASSED AND APPROVED on second and final reading at a regular meeting of the City Council on the **8th** day of **July, 2025**, with all members of the Council present voting “aye” for the passage of same.



Robert H. Moore III, Mayor

ATTEST:



Tami L. Davis, City Secretary



CITY OF
Big Spring

MEMORANDUM

Date: June 24, 2025
To: Mayor Moore, Big Spring City Council Members and Todd Darden, City Manager
From: Mike Feeley A.A.E., Airport Director
Re: Consideration of Adopting Airport Minimum Standards for McMahon-Wrinkle Airport

Staff in working with our Aviation Consultant "Woolpert" have developed Minimum Standards for use at McMahon-Wrinkle Airport. The Minimum Standards were developed under the authority of FAA Order 5190.6B, Airport Compliance Manual, which grants the City of Big Spring as Airport Sponsor the power to regulate the use of McMahon-Wrinkle Airport.

In addition to the Minimum Standards, all people on the airport are subject to all applicable provisions of Federal Law, Laws of the State of Texas, the Airport Rules and Regulations, and the City of Big Spring Municipal Code. The City's goals in establishing Minimum Standards include:

- Encouraging Growth and Development
- Promoting Safety in all Airport Activities
- Maintaining a high quality of services
- Protecting airport users from unlicensed, unauthorized activities
- Enhancing the availability of service, and
- To provide a clear distinction of satisfactory service providers

The adoption of the Minimum Standards is an integral step in the continued promotion and responsible development of McMahon-Wrinkle Airport.

Staff is requesting that City Council authorize the adoption of the proposed Minimum Standards.

Ord. 016-2025



Big Spring McMahon-Wrinkle Airport

Minimum Standards

City of Big Spring, Texas

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AIRPORT MINIMUM STANDARDS

SECTION 1.0 - INTRODUCTION

1.1 Authority

These Big Spring McMahon-Wrinkle Airport Minimum Standards (“the Minimum Standards”) are promulgated under the authority of FAA Order 5190.6B, *Airport Compliance Manual*, which grants the City of Big Spring (“City” or “Airport Owner” or Airport Sponsor”) the power to regulate the use of the Big Spring McMahon-Wrinkle Airport (“Airport”). The Minimum Standards also are adopted pursuant to the City’s authority as the owner, operator, and proprietor of the Airport. All leases, licenses, permits and other Agreements authorizing the use of Airport property and facilities shall require compliance with the Minimum Standards.

In addition to the Minimum Standards, all persons on the Airport are subject to all applicable provisions of federal law, laws of the State of Texas, the Airport Rules and Regulations, and the City of Big Spring Municipal Code.

The privilege of using the Airport and any and all of its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. The City reserves the right to claim immunity from liability in connection with its operation of the Airport and to assert any other defense available.

References and citations in the Minimum Standards to ordinances, laws, regulations, policies, standards and guidelines promulgated by the City of Big Spring, the State of Texas, the United States, and public and private bodies include any amendments as may be adopted after the City’s adoption of the Minimum Standards.

The Minimum Standards cancel and supersede all previous minimum standards governing use of the Airport.

The invalidation of any specific minimum standards shall not affect the validity of the remainder of the Minimum Standards.

Except as prescribed herein or pursuant to an Agreement, the standards and requirements of the Minimum Standards are minimums and may be exceeded.

1.2 Purposes

In establishing the Minimum Standards, the City’s goals are:

- a. To encourage growth and development of the Airport by ensuring a minimum level of aeronautical services and facilities for Airport users;
- b. To promote safety in all Airport activities;
- c. To maintain a higher quality of service for Airport users;
- d. To protect Airport users from unlicensed and unauthorized products and services;

- e. To enhance the availability of service for all Airport users; and
- f. To provide a clear and objective distinction between service providers that will provide a satisfactory level of service and those that will not.

The City recognizes the jurisdiction of the federal government, delegated to the Federal Aviation Administration (FAA), concerning the licensing and regulation of pilots, Air Carriers and aircraft; and concerning the navigable airspace. Nothing herein is intended to assert jurisdiction by the City over matters under the exclusive jurisdiction of the federal government, and the provisions hereof shall be interpreted consistent with this purpose.

1.3 Applicability

All Commercial Aeronautical Activities conducted on the Airport must be authorized in a Lease or other written Agreement approved by the City, as appropriate, and shall be performed in accordance with the Airport Minimum Standards and the Airport Rules and Regulations.

The Minimum Standards shall apply to the following:

- a. Any entity proposing to conduct a Commercial Aeronautical Activity at the Airport, including Fixed Base Operators (FBOs) and Specialized Aviation Service Operators (SASOs).

The Minimum Standards shall not apply to the following Entities:

- a. Air Carriers, with respect to the conduct of scheduled passenger operations at the Airport.
- b. Scheduled or Non-scheduled Air Carriers companies providing service to and from the Airport, but not based at the Airport.
- c. An Air Taxi/Charter operator accessing the Airport for the limited purpose of picking up or dropping off passengers in an aircraft that is not based at the Airport.
- d. A flight instructor accessing the Airport for the limited purpose of picking up or dropping off a student pilot or conducting flight training in an aircraft that is not based at the Airport.
- e. An aircraft manufacturer providing parts and services at the specific request of an aircraft owner or operator pursuant to a "rapid response" or similar program.
- f. Flying Clubs, to the extent that they are exempt from the Minimum Standards as outlined in the Airport Rules and Regulations.

The Minimum Standards shall not apply to the following activities:

- i. Non-commercial Aeronautical Activities, including, without limitation, private hangar storage and co-ops.
- ii. Self-servicing and self-fueling by a Tenant to the extent permitted by the Airport Rules and Regulations.

The provisions of these Minimum Standards shall apply to any new Lease, License, or Agreement executed after the adoption of this update to the Minimum Standards and to any material amendment to an Agreement authorizing a Commercial Aeronautical Activity at the Airport.

1.4 Prohibited Activities

- a. Through-the-Fence Operations. These Minimum Standards expressly forbid all Through-the-Fence (“TTF”) operations. The City's obligation to make the Airport available for the use and benefit of the public does not extend to providing access from adjacent property. Such TTF operations can adversely affect the ability of the Airport to sustain itself financially, result in unfair competitive situations, and contribute to loss of control with respect to Airport access.
- b. Cross-Ownership. Consistent with the City’s obligation to avoid granting exclusive rights, no person or entity may hold or control, directly or indirectly, any ownership, voting, management or debt interests (actual or contingent) in more than one on-Airport commercial service provider, absent written authorization by the Airport Director.

1.5 Waivers and Variances

The City may issue a permanent Waiver for all or any portion of the Minimum Standards for the benefit of any government or government agency providing public or emergency services, including, for example, and without limitation: law enforcement, disaster relief, search and rescue, fire prevention and firefighting.

The Airport Director may approve a temporary Waiver of the Minimum Standards upon finding that each of the following conditions is satisfied:

- a. The Commercial Aeronautical Operator seeking the Waiver will be the only operator on the Airport to provide a specific product, service, or facility as of the effective date of the lease or license.
- b. The Commercial Aeronautical Operator has agreed to come into full compliance with the Minimum Standards within a prescribed schedule.
- c. The schedule is enforceable by the Airport Director.
- d. The temporary Waiver is needed to alleviate the financial burden of initiating a new Commercial Aeronautical Activity at the Airport.
- e. The Airport Director finds that the temporary Waiver will not materially interfere with the Commercial Aeronautical Operator's ability to provide high quality products, services and facilities to Airport users.

The Airport Director may approve a temporary Variance of the Minimum Standards upon finding that each of the following conditions is satisfied:

- a. A special condition or unique circumstance exists that makes the application of the Minimum Standards unduly burdensome.
- b. The temporary Variance is narrowly tailored to address the special condition or unique circumstance.

- c. The Commercial Aeronautical Operator has agreed to come into full compliance with the Minimum Standards within a prescribed schedule.
- d. The schedule is enforceable by the Airport Director.
- e. The temporary Variance will not create an unfair competitive relationship among commercial aeronautical operators at the Airport.
- f. The Airport Director finds that the temporary Variance will not materially interfere with the Commercial Aeronautical Operator's ability to provide high quality products, services and facilities to Airport users.

Any temporary Waiver or temporary Variance approved by the Airport Director hereunder shall apply only to the specific Commercial Aeronautical Operator and the specific circumstance and shall not serve to amend, modify, or alter the Minimum Standards.

1.6 Additive Standards and Conflicts

Unless authorized in writing by the Airport Director or otherwise provided herein, Commercial Aeronautical Operators must meet every minimum standard for every authorized Commercial Aeronautical Activity.

In the event of conflicting Minimum Standards, the Commercial Aeronautical Operator will be required to satisfy the higher or more demanding standard. In the event of a conflict between the Lease, License or Agreement and the Minimum Standards, the terms of the Lease, License or Agreement shall apply.

Any activity for which there are no specific Minimum Standards set forth herein shall be subject to such standards and provisions as are developed by the Airport Director on a case-by-case basis and set forth in such Commercial Aeronautical Service Operator’s written lease, license, permit or agreement with or from the City.

The Airport Director may permit a SASO conducting multiple Commercial Aeronautical Activities to satisfy a Minimum Standard that is less than the sum of the standards for each Commercial Aeronautical Activity, if the Airport Director finds that each of the following conditions is satisfied:

- a. The off-set will not affect the Commercial Aeronautical Operator's ability to provide high quality products, services and facilities to Airport users in keeping with the policies hereof.
- b. The off-set will not create an unfair competitive relationship among Commercial Aeronautical Operators at the Airport. An off-set granted pursuant to this provision shall not constitute a temporary Waiver or temporary Variance as provided in Section 1.5.

1.7 Administration

The Airport Director has primary responsibility for the interpretation and application of the Minimum Standards and is authorized to issue citations, directives, adequacy determinations, and interpretive guidance in conformity with the Minimum Standards.

An Entity may request an advisory opinion from the Airport Director as to the application of these Minimum Standards to such Entity.

The Minimum Standards shall be made available upon request in electronic or hard copy format.

The City Attorney and Airport Director are authorized to assist in the application and implementation of the Minimum Standards, principally through communications with Commercial Aeronautical Operators on the content and proper interpretation of the Minimum Standards.

1.8 Reservation of Rights

The grant of permission by the City to conduct Commercial Aeronautical Activities at the Airport shall not be construed as granting any exclusive right of use of the premises and facilities at the Airport, other than those premises which may be leased exclusively to a Commercial Aeronautical Operator, and then only to the extent provided in the relevant Lease or License.

The City reserves and retains the right to conduct Commercial Aeronautical Activities at the Airport either in competition with other Entities or by exercising a proprietary exclusive right as authorized by FAA in the *FAA Airport Compliance Manual* (FAA Order 5190.6B, as amended if amended).

The City reserves and retains the right for use of the Airport by others who may desire to use the same, pursuant to applicable federal, state and local laws, ordinances, codes, minimum standards and other regulatory measures pertaining to such use.

The City further reserves the right to designate the specific Airport areas in which specific Aeronautical Activities may be conducted. Such designation shall give consideration to the nature and extent of the operation and the land and improvements available for such purpose, consistent with the orderly and safe operation of the Airport.

SECTION 2.0 - GENERAL REQUIREMENTS

2.1 Conducting Business at the Airport

All Commercial Aeronautical Service Operators must obtain a permit, license, lease, or other agreement with the City prior to conducting any commercial aeronautical service at the Airport. The Minimum Standards shall be deemed to be a part of each Commercial Aeronautical Service Operator's lease, license, permit or agreement with the City unless any such standards or provisions are expressly waived or amended by the City.

2.2 Requirements of all Commercial Aeronautical Service Operators

Each Commercial Aeronautical Service Operator shall:

- a. Have use of adequate space in an existing facility, through lease or other agreement, sufficient to accommodate the proposed operation.
- b. Be required to maintain their leased property in a condition of repair, cleanliness, and general maintenance in a manner acceptable to the Airport Director, in accordance with their lease agreements and free from all hazards.
- c. Notify the Airport Director before the fact, of any changes, improvements, additions, removal to any real property, appurtenances, or signs thereof who will in turn approve or disapprove the improvement(s).
- d. All operators shall supply and maintain such adequate and readily accessible fire equipment such as fire extinguishers as are required and approved by the City of Big Spring Fire Marshal for the hazard involved.
- e. All operators shall be fully responsible for all damages to building, equipment, real property and appurtenances in the ownership or custody of the Airport. Property damage caused by negligence, abuse, or carelessness on the part of their employees, agents, customer, visitors, suppliers, or persons with whom the operator may do business will be the responsibility of the operator.
- f. Maintain insurance as required by Minimum Standards.

FBOs shall carry the minimum insurance requirements as follows:

- i. Commercial general aviation liability policy with coverage for premises, operations, and products. \$1,000,000

SASOs shall carry the minimum insurance requirements as follows:

- i. Commercial general liability policy with coverage for premises, operations, and products. \$10,000,000
- ii. Aircraft liability with coverage for bodily injury and property damage including passengers. \$10,000,000
- iii. Student and renters' liability as needed. \$1,000,000
- g. Pay all applicable established fees and charges when due, including Fuel Flowage Fees. Such fees shall be set by the City and published in the Airport Rates and Charges. Airport Fuel Flowage Fees may be revised periodically and adjusted as the market dictates. The Airport's current Airport Rates and Charges are maintained by the Airport Director.
- h. Shall do nothing that interferes with the effectiveness or accessibility of any public utility system, drainage system, sewer system, fire protection systems, sprinkler system, alarm system, or fire hydrants and hoses.
- i. Provide for proper handling and disposal of all hazardous materials generated by the business. Handling and disposal must meet all federal, state, and local guidelines.
- j. Meet all requirements outlined in the Airport Storm Water Pollution Prevention Program (SWPPP) and Spill Prevention Control and Countermeasures Plan (SPCC).
- k. May not utilize space or land leased to another without permission from Lessee and the Airport Director.

l. Prohibited activities to include:

- i. No residential domicile may be established anywhere on Airport premises.

No non-aeronautical operators are allowed within the Airport Operations Area (AOA).

No personal vehicles are allowed on the AOA without approval from the Airport Director.

Ramp speed must not exceed 15 mph.

Any vehicle operating on the runways or taxiways must be equipped with a yellow beacon and maintain two-way radio communication with Airport Operations and aircraft operating within the Airport environment via the Airport's Common Traffic Advisory Frequency (CTAF) of 122.8 MHz.

Vehicle parking is reserved for working, registered vehicles only. No vehicle shall be parked in a public parking area for more than fourteen (14) days unless prior permission is obtained from the Airport Director. No vehicle will be left unattended in the loading and unloading zone in front of the terminal building. Vehicles parked in the loading and unloading zone in front of the terminal building or for more than 14 days in a public parking area may be towed at the owner's expense.

Pets must be accompanied on a leash within airport grounds and/or confined within a leased building or outside of the aircraft operations area.

2.3 Multiple Activities by One Commercial Aeronautical Service Operators

Whenever a Commercial Aeronautical Service Operators conducts multiple activities pursuant to one lease, license, permit or agreement with the City, the Commercial Aeronautical Service Providers shall comply with the Minimum Standards set forth herein for each separate activity being conducted. If the Minimum Standards for one of the Commercial Aeronautical Service Operator's activities are inconsistent with those for another of the Commercial Aeronautical Service Operator's activities, then the Minimum Standards which are most beneficial to the Airport, and/or which are most protective of the public's health, safety, and welfare, shall control as determined by the Airport Director.

SECTION 3.0 - FIXED BASE OPERATOR (FBO)

3.1 General Requirements

An application must be filed, and approval must be granted by the Airport Director prior to commencing operations as an FBO. The FBO is required to perform the following functions or abide by the following rules:

- a. Make its business open to all forms and classes of aeronautical activity.
- b. Obtain approval from the Airport Director before reducing any services included in the FBO's agreement with the City.

- c. Furnish all applicable services in a fair, equal, and nondiscriminatory manner to all Airport users.
- d. Abide by all rules, requirements, or mandates placed upon the Airport by the FAA or the State of Texas including the Grant Assurances of FAA grants and the Terms and Conditions of the State of Texas grants.
- e. The FBO does not have the right to perform any service or business on the Airport unless such service or business is included in the current agreement with the City.

3.2 Fueling

Only an approved FBO may sell aviation fuel to the public pursuant to an approved fuel license. Private fuel storage facilities are not permitted on the Airport.

3.3 Land and Facility Requirements

An FBO must have a lease and facility meeting the following requirements:

- a. Terminal Building - An FBO must have use of a Terminal Building (non-hangar space) consisting of at least 5,000 square feet with a minimum of at least 100 square feet dedicated to customer service and support functions.
- b. The Terminal Building may be attached to a hangar facility.

3.4 FBO Services

An FBO must provide the following:

- a. Hours of Operations - An FBO must provide Jet A and Avgas for aircraft fueling and line services five (5) days per week, Monday through Friday from 8:00 AM until 5:00 PM and Saturday from 8:00 AM until 3:00 PM. An FBO shall also be on-call twenty-four (24) hours per day with after-hours response times of one (1) hour or less. FBO must provide Aircraft line servicing as identified in Section 3.2 (3). Twenty-four (24) hour contact information must be posted on-site and provided to the Airport Director.
- b. Aviation Fueling Services
 - i. In accordance with local, state, and federal requirements, the FBO shall comply with the latest adopted edition of the International Fire Code (IFC) as published by the International Code Council (ICC) and as amended by local ordinance. Additionally, the FBO shall comply with the National Fire Protection Association (NFPA) 407, *Standard for Aircraft Fuel Servicing* (latest edition). Lastly, the FBO shall comply with FAA Advisory Circular 150/5230-4B, as amended; all city code requirements for the City of Big Spring, all county code requirement for Howard County, and all other applicable laws and regulations related to aircraft fuel handling, dispensing and storage.
 - ii. The FBO shall provide dispensing equipment sufficient to serve the needs of the aircraft frequenting the Airport, including the provision of at least one (1) Jet A refueling vehicle and one (1) Avgas refueling vehicle. Jet A refueling vehicles shall have single-point and over-wing fueling

capabilities and a minimum capacity of 3,000 gallons. Avgas refueling vehicle shall have a minimum capacity of 750 gallons. An FBO shall arrange for back-up refueling vehicles (with the same capabilities and minimum capacities). All equipment must be inspected and approved by the Airport Director prior to its use for Airport purposes. The metering devices shall be annually checked, inspected, and certified by appropriate state agencies. The Airport Director may inspect such periodically to ensure equipment is in compliance with all standards.

- iii. The FBO shall require all its fuel-handling personnel to complete training courses, obtain a fuel handler's certification, and receive periodic refresher training as required by FAA. The Supervisory Training Program must be obtained by completing an FAA-authorized Supervisory Fuel Safety training course. All employees who fuel aircraft or otherwise handle fuel must receive at least initial on-the-job training and recurrent instruction every twenty-four (24) consecutive calendar months in fire safety from a trained supervisor. The City of Big Spring Fire Department, the Airport Director, and the FAA may periodically inspect the FBO's activities and personnel to ensure adherence to safe practices.
- iv. The FBO shall develop a Standard Operating Procedure (SOP) for aviation fueling activities and submit for approval to the Airport Director. The SOP shall include a plan of action in case of a fuel spill. Any changes or updates to the SOP must be immediately communicated to the Airport Director. All fuel trucks/equipment shall meet all applicable local, state, and federal codes and be approved for use by the local Fire Marshal and Airport Director and meet the requirements of the latest edition of the National Fire Protection Association Standard 407, Standard for Airport Fuel Servicing, published by the National Fire Protection Association. Each mobile fuel vehicle must have a spill kit.
- v. All mobile fuel trucks must be parked on a paved surface and be no closer than 50 feet from any building.

c. Aircraft Line Services

- i. The FBO shall employ and have on duty during required hours of operation at least one (1) properly trained and qualified employee capable of providing aircraft fueling, aircraft parking, and ancillary aircraft services and related customer services and support.
- ii. The FBO shall have and maintain the equipment that is required to safely and efficiently tow the aircraft frequenting the Airport, including at least one (1) tug and tow bars with rated draw bar rating sufficient for such aircraft.
- iii. The FBO must have capability to remove disabled aircraft from any Airport movement surface or safety areas.
- iv. The FBO shall maintain the tools and necessary supplies for the servicing of aircraft types expected to use the Airport.

d. Concierge Services - The FBO must have available:

- i. A minimum of one (1) courtesy car for customer services and support.

- ii. A telephone for public use.
- iii. A pilot and passenger lounge with restrooms, water and/or coffee or other drinks that may be provided complimentary or for sale.

3.5 Subcontracting Services, Subleasing, Restrictions

- a. The FBO may subcontract aircraft maintenance and repair services and the retail sale of aircraft parts and accessories, provided that such subcontractor meets the SASO requirements of these Minimum Standards as stated therein and, in such areas, as are approved by the Airport Director. The subcontractor must be based on the Airport.
- b. The FBO shall not sublease, permit, or allow any other person to operate as a SASO within the FBO leased or permitted area, or to conduct any business venture, without the prior written approval of the Airport Director.

3.6 Fuel Flowage Fees

The FBO shall pay the Airport Fuel Flowage Fees on all Jet A, Avgas, Mogas and/or any alternative fuel delivered on Airport property.

Current Airport Fuel Flowage Fees are included in the Airport's current Schedule of Rates and Charges as maintained by the Airport Director.

SECTION 4.0 - SPECIALIZED AVIATION SERVICES OPERATOR (SASO)

4.1 General Requirements

No person may operate as an SASO unless that person has received a currently valid written authorization from the City in addition to the requirements of Conducting Business at the Airport (Section 2.2). A SASO must meet the following requirements specific to each activity the SASO will conduct.

- a. The entity must have:
 - i. A lease with sufficient and appropriate land and square footage to conduct the functions of the SASO as it has represented it will perform for a period of a minimum of twelve (12) months for either leased Airport property or Airport property with City-owned facilities on it, said lease having been approved by the City.
 - ii. A sublease from an FBO or another SASO with sufficient and appropriate space to conduct those functions as a SASO that the City has approved and shall set out in the written authorization. The sublease shall define the type of business and service to be offered by the sub-lessee SASO. The sub-lessee SASO shall meet all the Minimum Standards established by the City for the categories of services to be furnished by the SASO. The Minimum Standards may be met in combination between the lessee and sub-lessee. The sublease agreement shall specifically define those services to be provided by the lessee to the sub-lessee that shall be used to meet the standards.

- b. For a multiple services SASO engaged in any two (2) or more of the aeronautical services for which Minimum Standards have been herein provided:
 - i. The SASO shall comply with the aircraft requirements, including the equipment thereon for each aeronautical service to be performed except that multiple uses can be made of all aircraft owned or under lease by the SASO.
 - ii. The SASO shall obtain, as a minimum, insurance coverage that is equal to the greater requirement for all individual aeronautical services being performed by the SASO.
 - iii. The SASO shall have in its employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the Minimum Standards for each aeronautical service the SASO is performing. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the SASO.
 - iv. A SASO providing three (3) or more services shall lease a sufficient number of aircraft tie-down spaces or hangar space to meet the needs of the operations proposed.

4.2 Aircraft Sales/Brokerage

All SASOs conducting Aircraft Sales/Brokerage operations must meet the following additional requirements:

- a. Maintain an approved aircraft dealer's certificate from the FAA (if selling more than two (2) aircraft per year). All aircraft dealers shall hold a dealership license or permit as required by the state.
- b. The leasehold shall contain adequate square footage of land to provide for storage of aircraft and display as dictated by anticipated on-site inventory.
- c. One (1) person holding a current commercial pilot certificate with ratings appropriate for the type of aircraft to be demonstrated.
- d. Ensure that all other fees and taxes applicable to the sale of Aircraft are paid to the appropriate parties.

4.3 Airframe, Engine and Accessory Maintenance, and Repair Services

All SASOs conducting Airframe, Engine and Accessory Maintenance, and Repair Services must meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage to provide space to accommodate parking for at least one (1) aircraft and building area that will provide adequate area to service aircraft undergoing maintenance.
- b. Employ and have on duty during normal business hours at least one (1) person who is currently certified by the FAA with ratings appropriate to the work being performed and who holds a current Airframe and Power Plant rating.

- c. Conduct maintenance and repair operations, or business activities inside hangars or other structures designed for such activities unless the activity needs to be done outside of a hangar. Specific lease agreement and/or fire codes shall determine what hangars and other structures shall be approved for Aircraft Maintenance and Repairs.
- d. Hangar space shall be leased for such SASOs operations.
- e. All maintenance and or repair services shall comply with the Current Edition of the International Fire Code (IFC) and applicable National Fire Protection Association (NFPA) Standards latest editions to include but not limited to NFPA 409, *Standard for Aircraft Hangars*, NFPA 410, *Standard on Aircraft Maintenance*.

4.4 Aircraft Rental

All SASOs conducting Aircraft Rental Services must meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage of land to provide space for aircraft parking.
- b. Aircraft must be airworthy and owned or leased in writing to the operator. Records of airworthiness and maintenance must be made available to the renter.

4.5 Flight Training Services

All SASOs conducting flight training services meet the following additional requirements:

- a. One (1) person properly certified by the FAA as a flight instructor that encompasses the type of training offered.
- b. One (1) airworthy aircraft owned or leased in writing to the operator. Aircraft shall be properly certified and equipped for the type of flight instruction offered.
- c. Have use of appropriate office space and adequate classroom facilities either at the Airport or at such other off-Airport location as needed for proper operations of the flight training services for the amount and type of training involved.

4.6 Avionics, Instruments or Propeller Repair Services

All operators conducting Avionics, Instruments or Propeller Repair Services must hold an FAA Repair Station Certificate and ratings and meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage of land and building that will accommodate the aircraft to be serviced.
- b. One (1) person properly certified by the FAA as a repairman qualified in accordance with the terms of the Repair Station Certificate.
- c. Conduct operations or business activities only inside hangars or other structures designed for such functions unless the activity needs to be done outside of a hangar.

4.7 Aircraft Charter and Air Taxi Services

All SASOs conducting Aircraft Charter and Air Taxi Services must meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage of land and building which will accommodate the intended level of operations at the Airport including but not limited to handling of luggage, ticketing, ground operations, and other related activities. Climate controlled space with restrooms and seating must be provided to passengers.
- b. One (1) person currently certified as a commercial pilot who is appropriately rated to conduct the air taxi service offered.
- c. One (1) four-place aircraft, owned or leased in writing to the operator, meeting all requirements of the Air Taxi/Commercial Operator Certificate held and which also require instrumentation capability under FAR Part 135.

4.8 Hangar Leasing Services

All SASOs conducting Hangar Leasing Services or the business of leasing, renting, or licensing hangars to aircraft owners and operators solely for storing aircraft, must meet the following additional requirements:

- a. Lease sufficient land to accommodate the proposed number of hangars based on compliance with applicable FAA Minimum Standards for the storage of aircraft.
- b. Construction plans and specifications for hangars including minimum hangar sizes and architectural design plans are subject to the written approval of the Airport Director.
- c. Register with the Airport Director the aircraft based at the Airport stored within the Operator's Hangars on an annual basis.
- d. All Hangar Operators leasing, renting, or licensing hangars shall maintain the types and amounts of insurance required for this service.
- e. Abide by and fulfill City codes regarding adequate restroom facilities as governed by the City of Big Spring Building Codes. Requirements for providing restrooms may be met through facilities available at the FBO, terminal building/airport administration building, or other public buildings as allowed.

4.9 Specialized Commercial Flight Services

A specialized commercial air activity is any person, firm, or corporation performing aircraft support services or providing the use of aircraft for, but not limited to non-stop sight-seeing flights, aerial photography or survey; banner towing and aerial advertising; firefighting or fire patrol; power line, underground cable, or pipeline patrol; or any other operations specifically excluded from FAR Part 135 or directly related to aircraft support or transportation. Any operator engaging in specialized air flight services must meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage of land for aircraft parking and tie downs and buildings to accommodate aircraft intended for use in this service.
- b. One (1) person currently certified by the FAA as a commercial pilot with the appropriate ratings for the aircraft to be flown.
- c. One (1) airworthy aircraft owned or leased to the operator.

4.10 Aerial Applicators/Agricultural Spraying Operators

Agricultural spraying operations will be conducted in accordance with procedures approved by the Airport Director and made known to all persons conducting agricultural spraying operations. All associated ground operations shall be conducted only on designated Airport areas. All Operators will comply with all federal, state, and local agencies including the United States Environmental Protection Agency (US EPA), the Texas Commission on Environmental Quality (TCEQ), Texas Department of Health, Texas Department of Water Resources, the Texas Department of Agriculture, and the code of ordinances and regulations of the City of Big Spring and Howard County. All operations in and around the Airport shall not include reckless flying or careless chemical handling. Chemicals used in agricultural spraying operations shall be dispensed, maintained, and stored in accordance with the label directions. Washing of agricultural spraying aircraft and flushing of such aircraft spray cans or hoppers will be accomplished in accordance with the standards of the US EPA and TCEQ in an area so designated by the Airport Director. Agricultural spraying aircraft operators shall not exceed the maximum gross hopper weight stamped on the agricultural aircraft’s hopper by the aircraft manufacturer or listed in the aircraft’s specifications. Agricultural aircraft shall not take off or land on the dirt or grass between the runway lights and the property line fence(s), nor take off or land down wind. Takeoff and landing procedures in accordance with “Takeoff and Landing Rules” contained in the Rules and Regulations will be always observed.

All SASOs conducting Aerial Applicators/Agricultural Spraying operations must meet the following additional requirements:

- a. The leasehold shall contain sufficient square footage for the appropriate land size and building to accommodate the intended operations.
- b. Operators engaging in aerial applications must hold a current Agricultural Aircraft Operator Certificate issued by the FAA under Part 137 of the Federal Aviation Administration Regulations.
- c. One (1) person holding a current commercial pilot certificate properly rated for the aircraft to be used and meeting the requirements of Part 137 of the FAA and applicable regulations of the State of Texas.
- d. One airworthy aircraft meeting all the requirements of Part 137 of the FAA and applicable regulations of the State of Texas shall be owned or leased under contract and based on the Operator’s leasehold.

4.11 Mobile Aircraft Washing Services

Aircraft washing is restricted to designated wash rack areas and/or other areas permitted under an approved Aircraft Washing Plan. All SASOs conducting Mobile Aircraft Washing Services must meet the following additional requirements:

- a. Obtain approval of an Aircraft Washing Plan that contains the following information:
 - i. Name of individual/company conducting washing services, contact name and phone number.
 - ii. A site map of the area in which washing will occur. The site map must contain the following:
 - An outline of the washing location to include location of runoff control structures.
 - Approximate distance (in feet) from washing area to nearest drain(s).
 - Reference to buildings, terminal, roads, etc.
 - North arrow.
- b. Provide a detailed description of washing method/operation, including the following details:
 - i. Wash water containment method(s), (ramp scrubber, containment boom, dry, etc.).
 - ii. Amount of water used per wash and frequency of operation.
 - iii. Name and amount of chemical(s) used per wash.
 - iv. If "dry" washing or washing/coating operations are to be conducted; provide affirmation that tarps will be used to collect residual material for its proper disposal and protect the ramp (if appropriate).
- c. Maintain Safety Data Sheets (SDS) and/or Material Safety Data Sheets (MSDS) for all chemicals to be used.
- d. The method of disposal of retrieved wash/wastewater. If water is to be disposed of on Airport property, the following steps must be taken:
 - i. Disposal of wash/wastewater must be done through an oil/water interceptor into the sanitary sewer system; and
 - ii. Approval for the discharge of wash/wastewater on Airport property must be obtained from the Airport Director. The approval letter must be included in the final washing plan.

4.12 Independent Aeronautical Service Operators

Independent aeronautical service operators without a lease or a physical base at the Airport are permitted by Grant Assurance 22 and 23 to perform aeronautical services at the Airport. This would include individual airframe and/or powerplant (A&P) mechanics, mobile repair units dispatched by a repair station, or other specialty maintenance providers. The following minimum requirements must be met:

- a. Obtain a business permit issued by the Airport before work begins.

- b. Meet minimum insurance requirements and list the City as an additional insured.
- c. Must hold a current certification by the FAA with ratings appropriate to the type of activity being performed.
- d. Abide by the Airport's Rules and Regulations.
- e. Provide location of the facility where maintenance will be performed and adhere to local ordinances, fire codes and building codes that may be applicable to the facility.

4.13 Flying Clubs

A Flying Club is any person, firm or cooperation engaged in ownership or lease of aircraft that provide flying services only to its members. Any flying club proposing to base their operation at the Airport must comply with the applicable provisions in these Minimum Standards. However, they shall be exempt from regular Commercial Operator requirements upon satisfactory fulfillment of the conditions listed below:

- a. Club must be a non-profit corporation or partnership organized for the expressed purpose of providing its members with aircraft for their personal use.
- b. Each member must be a bona fide owner of the aircraft, a stockholder in the corporation, or a partner in the partnership.
- c. Neither the club nor any member may derive a profit from the operation, maintenance, or replacement of its aircraft. Club aircraft may not be used by other than members for rental, and by no one for commercial operations.
- d. Flight instruction may be given in club aircraft provided that the instructor is authorized to provide flight training and is a member of the club and who shall not receive remuneration in any manner for such service.

The flying club shall file with the Airport Director a copy of its by-laws, rules, articles of association, partnership agreement or other documentation supporting its existence; shall keep current with the Airport Director a roster or list of members annually, including the names of the officers and director; evidence that ownership of the club aircraft is vested in the club; investment share held by each member to be revised on a semi-annual basis; and the number and type of aircraft.

The club shall maintain a set of books showing all club income and expenses. These books shall be available for inspection by the Airport Director. The club must also provide as a minimum the following:

- a. The leasehold shall contain sufficient square footage of land for building, aircraft parking or tie downs.
- b. If the operator conducts flight training, it shall have in its employ or as a member at least one (1) person who has been properly certificated by the FAA as a flight instructor.
- c. One (1) certificated and airworthy aircraft owned or leased in writing to the operator.

SECTION 5.0 - LEASING

5.1 Conflicts in Lease

Should any portion of these Minimum Standards conflict with the conditions of any lease agreement executed by the City, the conditions in the executed lease agreement will control over these Minimum Standards for the remainder of the lease term or renewal thereof.

5.2 Exclusive Rights

No person may be granted in fact or by written instrument any exclusive right in violation of the FAA Grant Assurances applicable to the Airport. Determination of the existence of a prohibited exclusive right lies within the exclusive jurisdiction of the FAA. If FAA determines any provision of a written instrument or a practice in fact constitutes a grant of a prohibitive exclusive right, such provision or grant shall be deemed void.

5.3 Ground Lease Applications

A request shall be made to the Airport Director, who will provide the applicant with instructions on the information that is needed to proceed with the request. The following shall be required for all applications to lease:

- a. Concept plan including preliminary sketches of construction and infrastructure build out.
- b. Timeline to complete project.
- c. Intended aeronautical use of project.

5.4 City Compliance Review

The Airport Director and the City will review the request for compliance with the Airport Layout Plan (ALP), Airport Master Plan, Airport Ordinance, Airport Rules and Regulations, and Minimum Standards. The Airport Director and/or the City may at this time request changes to the proposed lease if above listed compliance is not met. After receipt of a completed request for a lease, the Airport Director and potential lessee will present the lease proposal at the next scheduled Advisory Board meeting. The Advisory Board may defer the proposed lease to a future Advisory Board meeting if additional information or changes to the proposal are required. All lease proposals will be forwarded to the City with a recommendation from the Advisory Board.

5.5 Fees Due from Airport Operators

The following shall be due and payable to the City on or before the 10th business day of each calendar month for charges incurred during the calendar month next proceeding, as follows:

- a. Sums due under any leases of land or land with improvements.
- b. Sums due under any agreement granting operating rights at or from the Airport.

- c. Sums due under lease agreements with Fuel Flowage Fees.

5.6 Terminal Apron Leasing

No two (2) or more related persons/entities (legally, by third degree of consanguinity or affinity, or otherwise) may be granted a lease or any portion thereof on the Terminal Apron or on all or substantially all the land contiguous thereto. Aircraft Operators may lease tie-down spots.

5.7 Lease Cancellation/Reduction in Scope

Land leased on the Airport must be promptly, effectively, and reasonably fully utilized. Any person leasing vacant land on the Airport must commence construction of minimum facilities, as described in the lease with the City, no later than one (1) year from the date of the lease agreement, provided however, that the Airport Director may grant such extensions as they may deem necessary. The facilities shall be completed no later than one (1) year after construction commences.

- a. Total Cancellation - If any lessee fails to utilize promptly and effectively any of the leased premises, the Airport Director may lease the tract to another qualified person in accordance with procedures set out elsewhere herein.
- b. Partial Cancellation - If a lessee after such two (2) year period (and any extension that may be granted by the Airport Director) is using only part of the area leased to him, the Airport Director may, or on receiving from an otherwise qualified person a bona fide firm offer to lease the unused portion, unilaterally reduce the lease to the area being actually used, provided, however, that in no event (except where lease is totally cancelled) will an FBO's or a SASO's lease be reduced below the minimum required acreage for such operators.

5.8 Lease Charges and Escalation Clauses

All unimproved Airport property shall be leased at an amount per square foot, per year as set by the City. The term of each lease for use of unimproved Airport property shall be set by City, not to exceed forty (40) years.

5.9 Removal and Repair of Unairworthy Aircraft

- a. All aircraft, located anywhere on the Airport, must be either: (1) airworthy; or (2) undergoing necessary repairs or maintenance, by an FAA approved license holder. The Airport Director may send a written request for proof of airworthiness to the registered owner of an aircraft at the address on file with the FAA Registration Branch. An Aircraft Owner receiving such request must within thirty (30) days: (1) provide proof of airworthiness; or (2) move the aircraft to an approved repair facility and submit to the Airport Director a letter from such facility stating that repairs necessary to render the aircraft airworthy are being undertaken and the estimated date of airworthiness.
- b. If an Aircraft Owner fails to respond appropriately within forty (40) days to an airworthiness enquiry letter, then the Airport Director may assess additional rent

in the amount of (fifty dollars) \$50 per day for each day beyond forty (40) days that the aircraft remains at the Airport.

- c. If an aircraft remains in an outdoor parking space for more than sixty (60) days beyond expiration of the forty (40) day response, the Airport Director may move such aircraft to other hangered or outdoor parking area as they deem appropriate. Rent after such sixty (60) day period shall be assessed at (one hundred dollars) \$100 per day.

SECTION 6.0 - PAYMENTS AND FEES

6.1 Service Charge

An FBO / SASO must pay all responsible rentals, fees, or charges in a timely manner. The Airport Director retains the right to assess a service charge for any late payments due to the owner.

6.2 Bond

An FBO / SASO must show proof of financial responsibility or be properly bonded with the City listed as beneficiary in the event the FBO cannot or will not return the property to an acceptable condition after the term to the lease or if the lease is prematurely terminated.

6.3 Utilities

An FBO / SASO must arrange for water and wastewater, gas, electricity, telephone, and any other utilities it uses on the Airport and pay all responsible charges in a timely manner throughout the term of the lease.

6.4 Taxes

An FBO / SASO will pay all responsible taxes in a timely manner.

6.5 Other

An FBO / SASO will pay all responsible bills in a timely manner. Under no circumstances will the City be responsible for payment of any taxes or bills owed by an FBO / SASO.

SECTION 7.0 - SOLICITATION AND CONDUCT

- a. An FBO / SASO will not engage in the solicitation of its fueling or other services on or about the Airport in a loud, offensive, or objectionable manner. In the event of such questionable conduct, the Airport Director owner will be the sole judge in determining if said conduct is a violation of the lease agreement and take all necessary steps to eliminate the undesirable condition, up to and including the termination of the FBO's lease contract.
- b. An FBO / SASO will conduct business on the Airport in such a manner as to maintain a friendly and cooperative, though competitive, relationship with other operators engaged in similar businesses on the airport. An FBO / SASO will not

engage in open public disputes, disagreements, or conflicts which would tend to deteriorate the quality of service of either party involved or which would be incompatible with the best interest of the public or the Airport. The Airport Director has the right to resolve all such disputes, disagreements, or conflicts and the Airport Director's determination will be binding upon all FBOs and SASOs operating at the Airport.

SECTION 8.0 - USE AND CONFLICT

Any land, building, paved area, and other infrastructure leased to an FBO / SASO are to be used and occupied solely for the purpose of operating their stated business and no other. The leased Airport property cannot be sublet or divided, except for parking aircraft in hangars, T-hangars, or tie down spaces without the written permission of the Airport Director. Should the FBO / SASO become deceased, be adjudged to be incompetent, or his business declared bankrupt or become insolvent, the leased property and the executed lease contract shall not be considered as a part of the FBO's / SASO's estate or an asset of any appointed or assigned guardian, trustee, or receiver. In such cases, the FBO's / SASO's lease will immediately terminate, and all rights and property returned to the City.

SECTION 9.0 - UNAUTHORIZED USE

An FBO / SASO may not park vehicles, trailers, motor homes, mobile homes, boats, or any other vehicle or trailer on Airport property without written approval of the Airport Director.

SECTION 10.0 - RULES

An FBO / SASO must abide by all laws, rules, regulations, guidelines, terms, and conditions of the City, the Texas Department of Agriculture, the United States Environmental Protection Agency, the National Fire Protection Association, the local and State fire marshals, the Texas Department of Transportation, the Federal Aviation Administration, and any other applicable agencies in regard to the use and storage of pesticides, or other dangerous chemicals, the storage and dispensing of aircraft fuel, the storage, dispensing, and disposal of engine oil, the maintenance and upkeep of the airport facilities, the operation of the FBO's / SASO's business, and the general safety and operation of the Airport.

SECTION 11.0 - INSURANCE

The Airport Owner will provide insurance for all real property located at the Airport under the owner's policy. This policy will be for the sole benefit and protection of the City. The FBO / SASO will be required to provide adequate insurance coverage for his personal property and the contents of any buildings under lease. The FBO / SASO must furnish current proof of these policies to the Airport Director and any changes in those policies must have prior written approval of the Airport Director.

SECTION 12.0 - DEFINITIONS

Terms used in these Airport Minimum Standards are defined below. Words relating to aeronautical practices, processes and equipment will be construed according to their general usage in the aviation industry, unless a different meaning is apparent from the context or specifically defined otherwise. All other words will be construed to their common literal meaning.

- a. Airport – Big Spring McMahon-Wrinkle Airport (FAA ID = KBPG or BPG)
- b. Airport Operations Area or AOA – The area of the Airport identified in the Airport Security Program that includes the aircraft movement areas, aircraft parking areas, loading ramps, safety areas, and any adjacent areas that are not separated by adequate security systems, measures or procedures.
- c. Airport Owner - City of Big Spring, Texas
- d. Airport Sponsor - City of Big Spring, Texas
- e. City - City of Big Spring, Texas
- f. County – Howard County, Texas
- g. Fixed Base Operator (FBO) - a Commercial Aeronautical Service Operator/Business (e.g., person, firm or corporation) which maintains facilities at the Airport for the purpose of engaging in the retail sale of aviation petroleum and electrical products, associated line service, aircraft airframe and/or engine repair and a minimum of two (2) of the following: flight instruction, aircraft rental/sales, air taxi, aircraft charter operations, avionics, instrument or propeller repair, or aircraft storage.
- h. Lessee – someone other than the City who has a possessory interest in real property that is at the airport and owned by the City.
- i. Specialized Aviation Service Operators (SASO) - a Commercial Aeronautical Service Operator/Business that is authorized to offer a single or limited service according to established Minimum Standards. Examples of a SASO include but are not limited to the following commercial aeronautical activities: flight training, aircraft maintenance, air charter or taxi, aircraft sales, avionics maintenance, aircraft rental, and sales, and aircraft storage. SASO's are prohibited from offering fuel service for other than its own aircraft.

Tenant - see *Lessee*.