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HELENA REGIONAL AIRPORT AUTHORITY

MINIMUM STANDARDS

1. GENERAL INFORMATION.

1.1. History and Scope. The Helena Regional Airport Authority, pursuant to Title 67, Chapter 11, Montana Code Annotated, has been created by and receives its authority from the City of Helena Resolution #10677 and Lewis and Clark County Resolution #1993-166, approved by the City Commission on December 13, 1993, and the County Commission on December 21, 1993. For purposes of this document, the Helena Regional Airport Authority will be called the Authority. These Minimum Standards are adopted by the Authority. Any amendment to these Minimum Standards will be by majority vote of the Authority. Any previous rules and regulations governing the Helena Regional Airport operation are superseded by approval of an amendment.

1.2. Compliance. Strict compliance with these Minimum Standards and payment of such rates, fees, or charges as may be established by the Airport Authority is a prerequisite to any permission granted by the Airport Authority or the Airport Director, directly or indirectly, expressly or by implication, to any person or persons to enter or use the Helena Regional Airport or any part thereof, including aircraft, crew members or passengers, spectators, sightseers, operators of pleasure and commercial vehicles, officers and employees of airlines, and any other persons occupying space within the Airport or doing business with the Airport Authority, its lessees, sublessees and permittees.

1.3. **Supplementation, Amendment.** The Helena Regional Airport Authority reserves the right to make such other additional rules and regulations as in its judgment may from time to time be necessary for the operations of the Helena Regional Airport. These Minimum Standards are further supplemented by resolutions and policies that have been adopted by the Airport Authority and are on file at the administration offices located in the North Terminal Building.

1.4. **Federal Regulations.** Due to the fact that the Helena Regional Airport receives federal funding, the operation of the Helena Regional Airport is subject to various requirements imposed by the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, et seq.) and the regulations imposed by the Federal Aviation Administration (found in 49 CFR) and regulations imposed by other federal agencies. It is the intent of the Authority to make the Helena Regional Airport's facilities and services available on fair and reasonable terms without unjust discrimination by implementing rules and regulations which are reasonable, relevant to the proposed activity and are applied objectively and uniformly.

2. DEFINITIONS.

The following terms as used in these Minimum Standards shall have the following meanings:

2.1. "Air carrier ramp" means the aircraft parking and operations area at the North Terminal.

2.2. "Aircraft" shall mean and include any and all conveyances now or hereafter used for the navigation of, or flight in, air or space without limitation.

2.3. "Air Operations Area (AOA)" means any area of the Airport used for landing, take off, or surface maneuvering of aircraft.

2.4. "Air crew/flight crew" means persons authorized by an Operator to conduct or assist in flight operations or to perform maintenance on an aircraft.

2.5. "Airport" means all the real property now owned or otherwise controlled by the Airport Authority known as Helena Regional Airport, and all other real property that may fall under its jurisdiction at any other location.

2.6. "Airport Authority" means the governing body of the Helena Regional Airport according to City and County Resolution #10677 and #1993-166.

2.7. "Airport Layout Plan (ALP)" means the plan on file at the Director's office and approved and amended by the Authority and the FAA, from time to time, identifying the areas of the Airport dedicated to aeronautical services, fuel storage, general aviation, passenger loading, air freight and cargo handling, common use aircraft parking, public automobile parking, tiedown areas, hangar areas, and other designated activities.

2.8. "Airport Public Safety Officer" means a person employed by the Airport who provides security and other safety services at the Helena Regional Airport.

2.9. "Cargo ramp" means areas on the Airport designated by the Authority for loading and unloading of cargo.

2.10. "Commercial aeronautical activities" means those activities which involve the sale of aeronautical services for profit. Said aeronautical services may include:

1. The loading and unloading of aircraft incidental to the conduct of any services or operations outlined in this section, including the delivery or pickup of cargo or passengers.
2. The maintenance, storing, and servicing of aircraft which shall include manufacturing, overhauling, rebuilding, repairing, inspection, and licensing of same, and the purchase and sale of parts, equipment, and accessories therefor.
3. The sale of fuels and lubricants, including the use of vehicles necessary for the servicing of aircraft in the sale of said fuels and lubricants.
4. The operation of a business of buying and selling aircraft parts, accessories, and aviation equipment of all descriptions, either at retail, wholesale, or as a dealer.
5. The training on the Airport of personnel in the employ of lessee and/or its tenants and the training on the Airport of members of the general public, generally as students, or otherwise, in any art, science, craft, or skill pertaining directly or indirectly to aircraft or aviation activities.
6. The operation of aerial survey, photography, mapping, advertising, and aerial application (crop dusting) services.
7. The operation of air carrier and sightseeing services.
8. The operation of nonscheduled and charter transportation of passengers.

9. The operation of schools for the instruction of flight navigation, mechanics, aerial survey or photography, and aircraft design, theory, and construction.

10. The maintenance of offices and operations or undertaking of any phase of aviation activity for profit related to or in any way contributing to air transportation, aerial navigation, or any aviation related services.

2.11. "Commercial operator" means an entity performing any of the functions listed in Section 2.10.

2.12. "Fixed Base Operator (FBO)" means those leasing land or buildings from the Airport Authority to provide aeronautical services as authorized under Section #6.

2.13. "Fuel handling" means any activity involving petroleum or petroleum products.

2.14. "Fuel storage area" means those portions of the Airport designated temporarily or permanently by the Authority as areas in which petroleum or petroleum products may be stored.

2.15. "Flying club" means any group, organization, or other assemblage in which ten or more persons are associated as a nonprofit entity to provide themselves or others with the privilege of piloting one or more aircraft usually based at the Airport. A flying club operated under the auspices of an FBO may be a for-profit entity.

2.16. "Limited Commercial Operator" means a commercial operator with no employees other than the person listed on the operating permit.

2.17. "Long-term parking area" means area designated for automobile parking of more than 12 hours.

2.18. "Airport Director" means the person appointed by the Authority to direct and oversee the Airport operations or, in the Airport Director's absence, a duly authorized representative.

2.19. "Non-aeronautical commercial activities" means commercial operations at the Airport which are not considered aeronautical activities such as, but not limited to: ground transportation (car rentals, taxis, and limousines); restaurants or bars; travel agencies; business offices, government offices or operations; auto parking lots; vending machine operations; consumer retail sales and approved recreational uses.

2.20. "Noncommercial aeronautical activities" mean aeronautical activities at the Airport which do not involve the sale of aeronautical services for profit.

2.21. "North Terminal Building" means the facility at the north side of the Airport primarily utilized by scheduled airlines and their passengers.

2.22. "Operator" means the owner or operator of an aircraft or any person who has rented or is otherwise using such aircraft for the purpose of operation.

2.23. "Permission" means authorization granted by the Airport Director or his/her authorized agent, unless otherwise specifically provided.

2.24. "Person" means any individual, firm, partnership, corporation, association, or company (including an assignee, receiver, trustee, or similar representative thereof) of the United States of America or any agency thereof or any state or political subdivision.

2.25. "Public aircraft parking and storage area" means and includes those portions of the Airport designated and made available to the public for the parking or storage of aircraft.

2.26. "Public landing area" means those portions of the Airport, including runways and taxiways, designated for the landing, taking off, and taxiing of aircraft.

2.27. "Public ramp and apron area" means those portions of the Airport designated for loading or unloading of passengers, cargo, and mail on an aircraft.

2.28. "Restricted parking area" means area designated for handicapped parking, passenger and baggage unloading areas, taxi and other commercial areas, and parking areas otherwise marked.

2.29. "Short-term parking area" means area designated for parking of less than 12 hours.

2.30. "South Terminal Building" means the old terminal building on the south side of the Airport.

2.31. "Tenant" means a person or entity having a written lease agreement with the Airport.

2.32. "Tiedown area" means the areas designated by the Airport Authority for aircraft parking. The Airport Authority may allocate tiedowns and delineate charges and responsibility therefor in leases with tenants. The Airport does not supply tiedown chains/ropes.

2.33. "User" means any individual entering the property of the Airport.

2.34. "Vehicle" means automobiles, trucks, buses, motorcycles, bicycles, push carts, and any other device by which any person or property is or may be transported upon land, excluding aircraft.

2.35. A Security Identification Display Area (SIDA)@ those areas of the AOA designated by the Airport Director where each person is required to continuously display, on their outermost garment, an Airport Security Identification (ID) Badge. Any person observed in the SIDA not displaying the Identification Badge, or not accompanied by an Airport approved escort, is subject to arrest. The ID Badge is the property of the Airport Authority and is subject to FAA rules related to authorized use.

3. GENERAL ADMINISTRATION.

3.1. Administration. The Authority shall have the powers and duties described by law, granted by the resolution creating the Helena Regional Airport Authority. The Authority shall annually elect a chair, vice chair, and secretary/treasurer from its membership by majority vote. The Authority shall also adopt policies and procedures as internal operating rules, copies of which are on file in the Airport Director's office.

3.2. Powers of Authority. The Authority may plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police the Airport or air

navigation facility or Airport hazard to be jointly acquired, controlled, and operated. (See 67-11-204, MCA, and Joint Resolution 10677 and 1933-166.) In carrying out these responsibilities, the Authority is authorized to exercise all the powers with respect to the Airport, air navigation facility, or Airport hazard. (See 67-11-203 through 67-11-205, MCA, and Joint Resolution 10677 and 1933-166 for limitations.) The Authority has the power to enter into contracts with individuals, corporations, or governmental agencies necessary for day-to-day operation of the Airport.

3.3. Director. The Authority shall employ an Airport Director upon such terms and conditions as the Authority by majority vote shall approve. The Director shall have such duties and responsibilities as the Authority shall direct by majority vote.

3.4. Regular Authority Meetings. Regular meetings of the Authority will be held each month in the Director's office at the Helena Regional Airport at times and dates to be determined by the Commissioners. The date, place, and time of all regular meetings will be posted in the Director's office. If a regular meeting day falls on a legal holiday, the meeting may be held the next day. From time to time, the Chair may change the time and place of the regular meeting.

3.5. Special Authority Meetings. Special meetings may be called by the Chair, or by two members of the Authority. Authority members will be notified, in writing, at least 48 hours prior to a special meeting. The notice will include specific agenda items to be considered. The date, time, and place of the special meeting will also be posted in the Director's office with the Notice.

3.6 Executive Committee. The Executive Committee shall consist of the officers of the Airport Authority Commission. The Executive Committee shall have the power to transact

all regular business of the Authority during the interim between meetings of the Authority, provided that any action which it may take shall not conflict with the policies and expressed wishes of the Authority and that it shall refer all matters of major importance to the full Authority. Should any matter of extreme urgency arise between the regular meetings of the Authority, it shall be the duty of the Executive Committee to request the Chair to call a special meeting of the Authority. Minutes of the Executive Committee meetings shall be submitted to the Authority, and its actions shall be subject to approval or disapproval at the next regular Authority meeting.

3.7. Emergency Authority Meetings. An emergency meeting may be called by the Chair, or other Authority officer, by giving six hours' notice to members and specifying agenda items to be considered. The date, time, and place of the emergency meeting will also be posted in the Airport Director's office with the notice.

3.8. Quorum. Four members of the Authority constitute a quorum for the transaction of business at regular, special, and emergency meetings.

3.9. Authority Members. The Authority consists of seven members, three members appointed by the County Commission, three members appointed by the City Commission, and one member appointed jointly by the City and County Commissions. The term of membership is three years. Members serve staggered terms according to an established rotation system. Authority members' terms expire on September 1; however, a member retains membership until a successor is appointed. If a member resigns before his/her term has been completed, the appointing authority will name a replacement for the unexpired term. A member may serve no more than two consecutive terms. An unexpired term will be considered a term if it is more than two years.

3.10. Authority Officers. The officers of the Authority are chair, vice chair, and secretary/treasurer. Election of officers will take place prior to the Authority's regular July meeting. The term of office is one year. Officers will serve no more than two consecutive terms in the same office. When a vacancy occurs, the position will be filled by majority vote of the Commissioners at the next regular meeting. Filling a vacancy will count as a term if it is for more than six months.

3.11. Duties of Authority Officers. The chair presides at all meetings of the Authority and signs the minutes after approval of the Authority. The vice chair serves in the absence of the chair and performs duties as assigned by the chair of the Authority. The secretary/treasurer attests to legal documents approved by the Authority and acts as chair in the absence of the other officers.

3.12. Authority Duties Regarding Finances. The Authority shall have an independent certified public accountant selected by the Authority and approved by the City and County Commissioner to perform a financial report and audit of the Authority each fiscal year. The Authority shall provide the County and City Commissioners with a copy of the annual audit and the annual financial report within 120 days after the end of each fiscal year. Audits and reports shall be prepared in conformity with state and federal standards and rules.

3.13. Tenants - General. The following regulations apply to all tenants of the Airport, whether under lease or otherwise, notwithstanding any provision of a lease or other rental agreement.

3.13.1. All tenants shall maintain their leased property in such condition of repair, cleanliness, and general maintenance as shall be acceptable to the Airport Authority and in accordance with their individual lease agreements.

3.13.2. All tenants or lessees shall supply and maintain approved and readily accessible fire extinguishers when required by their lease to safeguard their building, equipment, and leased areas.

3.13.3. No tenant of the Airport or any employee of such tenant shall be permitted to keep pets at the Airport.

3.13.4. Tenant Parking. Auto parking by lessees, tenants, or their employees will be permitted only in the areas so designated by the Airport Authority for such use.

3.14. Employees Background Check. All persons employed by the Airport or its tenants or contractors, including air carriers, who have unescorted access to the air carrier ramp will have a background check, to the extent required by the FAA₂ including, at a minimum, references and prior employment histories to the extent necessary to verify representation made by the employee applicant relating to employment during the preceding five (5) years.

3.15. Suspension. The Director or his designated representative shall at all times have authority to take such action as may be necessary to safeguard the public in attendance at the Airport. The Director may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

3.16. Restricted Areas. No person, except air crews, duly authorized personnel, passengers going to and from aircraft, or other persons being escorted by air crew or Airport attendants shall be permitted to enter the AOA. This does not give any person so excepted privilege of unrestricted use of this area. No person may enter this space except in connection with flights, inspection, or routine duties. Pedestrians or ground vehicular traffic

in other than public use areas (loading, deplaning, parking, servicing) without permission of the Airport Director will be considered as trespassing and subject to arrest.

3.17. Defined Areas. Air operation areas, ramps, aprons, and commercial loading positions are closed to the public, and no tenant shall permit any unauthorized person to gain access to such areas either by private or common-use passageways or through private areas. No person shall enter upon the public landing area or public ramp and apron area of the Airport without authorization, except persons assigned to duty therein or persons entering upon the public ramp areas for purposes of enplaning or deplaning. No person shall travel by foot or vehicle on any portion of the Airport except upon the roads, walks, or places provided for that particular class of traffic nor occupy the roads or walks in such a manner as to hinder or obstruct their proper use.

3.18. Exceptions. Nothing herein contained shall be construed to limit the use of any area, or portion of the Airport, by officers or employees of the Airport or by contractors acting specifically on behalf of the Authority or to prevent any policeman, fireman, or other public officer or employee from entering upon any part of the Airport when properly required in the performance of their official duties.

3.19. Cargo/Materials Storage. Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of the Airport, including buildings either privately owned or publicly owned, for the storage of cargo or other non-aeronautical materials.

3.20. Limitations. No person shall, without prior authorization, keep, transport, handle, or store at, in, or upon the Airport any cargo of explosives or other dangerous articles which are barred from loading in or transportation by civil aircraft in the United States under the provisions of the Federal Air Regulations. Any waiver of such regulations or of any part

thereof by the Federal Department of Transportation or by any other competent governmental authority shall not constitute or be construed to constitute a waiver of this rule or an implied permission to keep, transport, handle, or store such explosives or other dangerous articles at, in, or upon the Airport.

3.21. Airport Police Authority. The City of Helena Police Department shall have full police powers and authority to enforce all laws, ordinances, rules, and regulations applicable to persons and property within the boundaries of the Airport. It is unlawful for anyone to willfully fail or refuse to comply with any lawful order of a police officer. Failure to comply may be grounds for revocation of permits.

4. AIRPORT ACTIVITIES/GENERAL PERMIT REQUIREMENTS.

4.1. Aeronautical Activities. All aeronautical activities at the Airport and all operation of aircraft departing from or arriving at the Helena Regional Airport in the airspace which constitutes the Airport traffic zone of the Helena Regional Airport shall be conducted in conformity with applicable federal aviation regulations as issued by the Federal Aviation Administration or other authorized agency.

4.2. Commercial/Limited Commercial and Non-aeronautical Activities.

4.2.1. Authorization. No commercial aeronautical activity or non-aeronautical commercial activity may take place at the Airport without written authorization of the Authority. Such authorization may be granted only after written application is made to the Authority in accordance with these Regulations.

4.2.2. Requirements. All commercial aeronautical activities and non-aeronautical commercial activities at the Airport shall be conducted in compliance with applicable laws of the State of Montana, resolutions of Lewis and Clark County, ordinances of the City of Helena, these Minimum Standards, and applicable rules of the Federal Aviation Administration, including Advisory Circular 150/5190-1A, Minimum Standards for Commercial Aeronautical Activities on Public Airports.

4.2.3. Application Information. Each application for a permit should include the following information:

a.. The proposed name and nature of the business, including intended services.

b. The names, addresses and phone numbers of all individuals who would be owners, partners or managers of the business. Copies of current FAA licenses and certificates which would be required for the proposed business.

c. A current financial statement for the business and/or owners. Certification by a Certified Public Accountant may be required at the discretion of the Authority.

d. A listing of assets owned, or being purchased, or leased which will be used in the business on the Airport.

e. A current credit report may be requested by the Airport Authority for each party owning or having a financial interest in the business and/or a credit report on the business if it is pre-existing.

f. A list of employers or work history providing information covering the previous five years employment as required by the FAA.

g. 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 City of Helena building code, fire code, and permit requirements. Building permit applications will require the approval of the Airport Director prior to submission to the City of Helena .

h. An operational plan providing a summary of intended uses of Airport facilities.

i. Evidence of ability to acquire required insurance coverage.

j. A business plan forecasting business development and demonstrating finances necessary to conduct the proposed operation and the capability to meet FAA requirements for the proposed service. The Airport Authority shall determine the completeness of the business plan.

k. Such other information as the Airport Director may reasonably require.

4.2.4. Insurance. Approval of commercial aeronautical activities or non-aeronautical commercial activities by the Authority will be conditioned upon the acquisition of insurance coverage for the term of the authorization with a company acceptable to the Authority to protect themselves, their operation, and the Airport equal to customary coverage for similar activities in the area. A certificate of coverage naming the Helena Regional Airport Authority as an additional insured is required.

4.2.5. Indemnity. Approval of commercial aeronautical activities or non-aeronautical commercial activities by the Authority will be conditioned upon the agreement of licensee to indemnify, save, protect, and hold harmless and defend the Airport from and against any and all actions, suits, claims, damages, and charges caused by an act or omission, fault, or negligence of the license user or anyone acting under their direction or on their behalf.

5. FLYING CLUBS.

5.1. Purpose. In an effort to encourage personal flying, develop aeronautical skills, and promote an awareness of aviation, flying clubs are approved within the guidelines of this section of the Minimum Standards. All flying clubs desiring to base aircraft and operate on the Airport must comply with the requirements set forth in this Article 5.

5.2. Organization. A flying club shall own or lease aircraft in the name of the club in equal shares by the club's members. The club shall file with the Airport Authority and annually update a complete list of the club's membership. Flight instruction may be conducted by any certified flight instructor in aircraft owned or leased by a flying club.

5.3. Additional Requirements. A flying club must furnish the Airport Director the following information and materials:

1. Copy of its corporate charter and bylaws, partnership agreement, or other association documentation (must be annually updated);

2. A current description of aircraft type and certification of ownership or leasehold interest;
3. The operating rules of the club; and
4. Proof of insurance - including listing the Airport Authority as an additional insured.

6. FIXED BASE OPERATIONS.

6.1. General. The purpose of this article is to establish minimum standards for current and future FBO concession operators on the Airport. Any person, firm, or corporation capable of meeting the Minimum Standards set forth herein for an FBO is eligible to become an FBO at the Airport, subject to the submission of a completed application, a business plan, and the eventual execution of a written lease containing such terms and conditions as may be determined by the Authority. An FBO shall not engage in any business or activity on the Airport other than that authorized under the particular categories for which the FBO applied. Any FBO desiring to extend operations into additional categories or to discontinue operations in a category shall first apply in writing to the Authority for permission to do so, setting forth in detail the reasons and conditions for the request. The Authority shall then grant or deny the request on such terms and conditions as the Authority deems to be prudent and proper under the circumstances. All requirements in each category must be certified to the Airport Authority annually.

6.2. Insurance. The FBO or commercial operator performing the services under each section of category will be required to carry the following types of insurance in the limits specified.

(1) Comprehensive general liability insurance protecting the Airport Authority against any and all liability by reason of Lessee=s conduct incident to the use of the premises, or resulting from any accident occurring on or about the roads, driveways or other public places, including runways and taxiways, caused by or arising out of any wrongful act or omission of Lessee, in the minimum amount of \$1,000,000.

(2) Passenger liability insurance in the minimum amount of \$100,000 per seat, and \$1,000,000 per occurrence.

(3) Hangar keeper=s liability insurance in the minimum amount of \$500,000.

(4) Fire and extended coverage insurance on all fixed improvements owned by Lessee on or in the premises to the full insurable value thereof.

(5) The insurance specified in Paragraphs (2) through (4) above shall name the Airport Authority as an additional insured.

6.3. Required Services and Facilities. An FBO will be required to provide the services identified in 6.3.1 and 6.3.4. Additionally, FBOs are required to provide two additional aviation activities (training, services, sales and rentals) listed in 6.3.1 through 6.3.10. The FBO must enter a written lease agreement with the Authority and provide or lease a permanent type building in an area designated on the Airport Layout Plan for FBOs with at least 1,000 square feet of space to include an office, pilots= lounge, telephone, rest room facilities, and provide a hangar of at least 10,000 square feet for aircraft maintenance and storage and a minimum of 10 tiedown spaces. In the event the FBO fails to provide the four endeavors required for a period of 60 days, the Authority at its sole discretion, and

after proper notification, may terminate the FBO=s privilege to conduct sales of aviation petroleum products. An FBO must provide copies of all FAA licenses and certifications to the Airport Director. Any changes to the licenses and certifications shall be provided to the Airport Director in a timely manner.

6.3.1. Sale of Aviation Petroleum Products. An FBO operating in this category shall provide or have available:

(1) Fuel storage capacity of 20,000 gallons at a location on the Airport approved by the Authority and meeting federal, state, and local requirements for storage of aviation fuel.

(2) Mobile and/or fixed pumping equipment with reliable metering devices and of sufficient capacity to refuel, in a reasonable time period, the average aircraft likely to operate at the Helena Regional Airport.

(3) Uniformed and trained personnel on duty a minimum of 12 hours per day, (6 a.m. to 6 p.m.), seven days a week, and on call after hours.

(4) Demonstrated capability to perform minor repairs including a requirement for tools, jacks, towing equipment, tire repair equipment, oxygen servicing, etc.

(5) Adequate ramp area to park ten (10) aircraft.

(6) Installation of adequate grounding rods at all fueling locations to eliminate the hazard of static electricity.

(7) Availability of conveniently located, comfortably heated waiting rooms for passengers and crew members of itinerant aircraft, including sanitary rest rooms, public telephone, and a flight planning area with appropriate communication equipment and directories.

(8) Special fire detection or fire fighting equipment where justified, coupled with a commitment to have employees meet FAA training requirements for a minimum number of hours in fire, rescue, or other emergency training.

(9) At least one fueling supervisor who has completed an aviation fuel training course at an approved FAA/industry sponsored fueling course.

(10) Must meet general insurance requirements listed in Article 6.2.

(11) The FBO shall provide evidence of product liability insurance for all fuel brands offered for sale.

(12) All employees of the FBO shall be screened and certified by the FBO related to compliance with FAA employment background checks.

6.3.2. Flight Training Activities. An FBO or commercial tenant operating in this category shall provide:

(1) At least one FAA certified flight instructor and aviation flight training equipment to meet the public's needs.

(2) At least one aircraft, compatible with the training proposed, including arrangements with the Authority or other tenants for at least two tiedowns.

(3) A building or approved leased facility with 500 square feet of classroom, office space, and related rest rooms.

(4) Certified and continuing ability to meet the certifications for flight instructor personnel and aircraft by the FAA. Copies of all certifications shall be provided to the Airport Authority.

(5) A vehicle parking area and public access to aircraft and training facilities in compliance with FAA security regulations.

(6) Must meet the applicable insurance requirements listed in section 6.2

6.3.3. Aircraft Charter and Air Taxi. An FBO or commercial tenant operating in this category shall provide:

(1) A building or approved leased facility with suitable arrangements for passenger shelter, rest rooms, and public telephones with at least two tiedowns adjacent to the building. All facilities must be located on the Airport in an area approved by the Airport Authority for commercial or limited commercial operations.

(2) Satisfactory facilities for accommodating passengers, luggage, ticketing, and ground transportation.

(3) Compliance with FAA requirements for air charter and air taxi including currently certified and continuously airworthy aircraft owned or leased by and under the exclusive control of the applicant. Aircraft must be properly certified for air charter and air taxi service. Copies of all certifications are to be provided to the Airport Authority.

(4) A vehicle parking area and public access to aircraft and passenger facilities in compliance with FAA security regulations.

(5) Must meet the applicable insurance requirements listed in section 6.2

6.3.4. Aircraft, Engine, and Accessory Maintenance. An FBO or commercial tenant operating in this category shall provide:

(1) A hangar for the applicant's exclusive use with a minimum of 3,000 square feet with shop and storage space for at least two aircraft and arrangements made with the Authority or other tenants for two adjacent tiedowns.

(2) Availability of at least one full-time (5 days/week, minimum hours 8-5) A & P certified mechanic in such fields as airframe and engine maintenance. Provisions also must be made for a mechanic to be "on-call" during nonweekday hours. Copies of all certifications are to be provided to the Airport Authority.

(3) Minimum equipment such as machine tools, jacks, lifts, and test centers.

- (4) Suitable facilities for washing and cleaning aircraft.
- (5) Commitment to assist in removal from the public landing area (as soon as permitted by FAA and/or NTSB authorities) any disabled aircraft.
- (6) Provision of to meet all applicable safety and regulatory requirements for painting aircraft if any painting is to be performed.
- (7) A vehicle parking area and public access to aircraft and maintenance facilities in compliance with FAA security regulations.
- (8) Must meet the applicable insurance requirements listed in section 6.2

6.3.5. Crop Dusting and Spraying. An FBO or commercial tenant operating in this category shall provide:

- (1) Suitable arrangements for the safe storage, loading, unloading, spraying, and containment of noxious chemical materials in accordance with EPA and other regulatory requirements.
- (2) Availability of aircraft suitably equipped for agricultural operations with adequate safeguards against spillage on runways and taxiways or dispersal by wind force to other operational areas of the Airport.

(3) Product liability insurance in amounts approved by the Airport Authority in addition to applicable insurance requirements of Article 6.2.

(4) Compliance and certification with applicable FAA regulations.

6.3.6. Aircraft Sales. An FBO or commercial tenant operating in this category shall provide:

(1) Access to an adequate supply of new and/or used aircraft.

(2) Suitable sales and office facilities, constructed at or leased from the Airport, and arrangements made for a minimum of two adjacent tiedowns.

(3) Satisfactory written agreements with an Airport operator for repair and servicing of sales aircraft.

(4) The ability to acquire necessary parts for the aircraft types for which sales privileges are granted in a reasonable time period.

(5) A vehicle parking area and public access to aircraft and sales facilities in compliance with FAA security regulations.

(6) Must meet the applicable insurance requirements listed in section 6.2

6.3.7. Aircraft Rental. An FBO or commercial operator operating in this category shall have:

- (1) Available an adequate number of properly equipped and certified aircraft commensurate with the scope of the planned activity.
- (2) Suitable facilities to provide office, restrooms, and telephone service for customers.
- (3) Arrangements for a minimum of two tiedowns.
- (4) Arrangements for repair and servicing of rental aircraft.
- (5) A vehicle parking area and public access to aircraft and facilities in compliance with FAA security regulations.
- (6) Must meet the applicable insurance requirements listed in section 6.2

6.3.8. Avionics Sales and Service. An FBO or commercial operator operating in this category shall have:

- (1) A minimum 3,000 square foot hangar and arrangements for at least two tiedowns.
- (2) A full-time certified technician in such fields as radio, electronic navigation, and related fields capable of repairing or replacing current avionics equipment 8 hours per day during the week and on call during other hours.

(3) Appropriate test and repair equipment relating to aircraft radio and electronics.

(4) Compliance and certification with applicable FAA regulations. Copies of all certificates are to be provided to the Airport Authority.

(5) A vehicle parking area and public access to aircraft facilities in compliance with FAA security regulations.

(6) Must meet the applicable insurance requirements listed in section 6.2

6.3.9 Hangar Rental. An FBO or Commercial tenant operating in this category shall provide:

(1) A hangar or hangars located in an approved area on the Airport Layout Plan.

(2) Appropriate rental contracts identify insurance and liability issues related to the rental operation.

(3) Appropriate access to the hangar in accordance with FAA security regulations.

(4) Must meet the applicable insurance requirements listed in Section 6.2.

NOTE: Hangars constructed prior to 1/1/01 under non-commercial leases and in non-commercial areas may be subleased if lessee meets the conditions identified by the Airport Authority for notification and authorization of subleasing of non-commercial hangars.

6.3.10 Miscellaneous Aeronautical Services. An FBO or commercial tenant operating any miscellaneous aeronautical activities (photography, fire retardant, survey, patrol, and other specialty services and shops such as, but not limited to, instrument repair, parachute rigging, propeller repair, etc.) shall provide:

(1) Adequate facilities as determined and approved by the Airport Authority located in a commercial area on the Airport, as identified in the Airport Layout Plan. These services will not be allowed in facilities covered by non-commercial leases.

(2) Appropriate certifications and adequate equipment to meet the requirements for the service provided. Copies of certifications shall be provided to the Airport Authority.

(3) A vehicle parking area and public access to facilities in compliance with FAA security regulations.

Must meet the applicable insurance requirements listed in Section 6.2.

6.4. Specific Limitations. All FBOs and commercial operators are subject to the following additional limitations:

6.4.1. Location of FBO and commercial facilities must be in accordance with the Airport Layout Plan.

6.4.2. All improvements, such as buildings, pavement, etc., shall comply with FAA requirements, local building codes, and Airport regulations.

6.4.3. Operations dealing with the sale of aviation fuel will not be considered for approval by the Authority prior to approval by the City Building Department of plans for the completion of the minimum improvements of an FBO as stated in Section 6.2 and 6.2.1 above and the execution of a lease with the Airport for the location of such improvements.

6.4.4. Plans and specifications for all construction requires the written approval of the Authority and City of Helena Building officials before any construction takes place.

6.4.5. Self-Fueling. A commercial operator that does not have fuel sales authorization may fuel their own aircraft with their own equipment; however, they will not be permitted to hire any fuel vendors from off-Airport premises to perform fueling services at the Airport. Such aircraft fueling accomplished by an FBO or a commercial operator on their own aircraft shall be in strict accordance with all applicable rules and regulations of the state and FAA.

6.5. Bid or Negotiation. The Authority reserves the right to either use the bid form method or direct negotiation method of selecting FBO tenants for leasing Authority owned facilities.

6.6. Evaluation of FBO Applicants. In considering an FBO application for any of the categories of service listed in sections 6.2.1 through 6.2.8 above, the Authority will evaluate the application on the basis of the information provided about the specific activity for which a permit is requested and the additional information provided in accordance with Section 4.2.3.

7. COMMERCIAL, LIMITED COMMERCIAL AND OFF-AIRPORT OPERATORS.

7.1. Permit for Commercial and Limited Commercial Operators. The Authority may enter into agreements for commercial aeronautical services (such as commercial operators or limited commercial operators) other than Fixed Base Operations provided that any such commercial or limited commercial operators first make application for a permit to perform any of the activities listed in Sections 6.3.1 through 6.3.10 and provide the information required for the applicable activity plus the information required in Section 4.2.3.

7.2. Air Charter/Air Taxi. Any commercial or limited commercial operator who desires to engage in the privileges of section 6.2.3 will be required to provide the improvements described in section 6.2.3 or enter into a sublease with an Airport tenant that owns or leases facilities that meet the requirements for the aeronautical service to be provided.

7.3. Additional Requirements for Limited Commercial and Commercial Operators. The activity will be located on the Airport in accordance with the Airport Layout Plan.

7.4. Evaluation of Limited Commercial and Commercial Applicants. The procedures for evaluation in Section 6.5 apply to commercial and limited commercial operators.

7.5. Off-Airport Non-aeronautical Commercial Permits.

7.5.1. Some businesses such as certain freight forwarders and car rental agencies without offices at the Airport derive business income from the pick-up and delivery of passengers or cargo or the rental of vehicles to passengers at the Airport. In order to protect the revenues necessary for the operations of the Airport derived from concessionaires that pay a fee to the Airport for the privilege of doing business on the Airport, and to provide additional necessary revenues for the operation of the Airport, the Authority has determined it is for the public benefit to establish fees for the use of Airport property by off-Airport businesses. To the extent that these off-Airport businesses divert revenues from businesses that pay a fee to the Airport for the privilege of doing business on the Airport, the Airport loses revenues which otherwise would be realized from fees. There is no intention on the part of the Airport to favor or disfavor either off-Airport or Airport situated businesses. A schedule of off-Airport fees is maintained at the Airport office. These fees may be changed from time to time by the Airport.

7.5.2. A passenger service, car rental, or freight forwarder business not holding an operating permit from the Airport desiring access to Helena Regional Airport to conduct such business must obtain a permit and pay fees established for such business.

7.5.3. Application for such permit shall be made at the Airport Director's office where a ~~list~~ schedule of fees is available. The evaluation of applicants for off-Airport commercial permits shall be in accordance with 4.2.3.

8. LEASING AND CONSTRUCTION REGULATION.

8.1. Scope. The following regulations pertain specifically to all FBOs, commercial and limited commercial operators, and non-aeronautical operators including: land or building rental; car rentals; restaurant; parking lot; taxi; third level carriers; commuter operations; fuel sales; radio and aircraft parts sales; new and used aircraft sales; flight training; air carrier charters; aircraft maintenance, repair, overhaul, and modification; and any other business to be conducted at the Airport.

8.2. Lease Requirement. No person, persons, or organizations may occupy ground or building space at the Airport for any purpose without a permit or a valid lease, sublease, or agreement with the Authority, or those presently engaged in business activity holding a valid lease approved by the Authority.

8.3. Application. Any person desiring to lease space from the Authority shall submit an application containing, at a minimum, the information required by Section 4.2.3 hereof. Such application will be submitted fifteen (15) days prior to any scheduled regular meeting of the Authority for consideration by the Authority which contains the following additional information:

8.3.1. If structures are to be constructed, plans must be developed in accordance with Authority guidelines and City of Helena Building Code accompanied by an estimated time schedule for completion. The applicant is responsible to submit FAA form 7460-1, Notice of Proposed Construction, in order to insure the proposal does not have a negative impact on any existing aeronautical equipment or services.

8.3.2. Applications for lease of space for a building site must state the purpose or use of the building to be built on lease site. No change may be made in the use of the building without specific approval from the Airport Authority.

8.3.3. A statement that prior to submitting the application the proposed lessee reviewed the Airport Zoning Regulations contained in Title 11, Chapters 17 and 35 of the City of Helena Ordinances and that, to the applicant's knowledge, the proposed construction complies with said Airport Zoning Regulations.

8.4. Minimum Lease Requirements.

8.4.1. All buildings shall be constructed in compliance with building specifications and codes as adopted and set forth by the City of Helena.

8.4.2. No construction shall be started before a lease is signed, plans are approved by the Authority and the City of Helena Building Department, and the FAA form 7460-1 has been approved. New construction will be according to the site selection approved by the Authority in accordance with the Airport Layout Plan.

8.4.3. Location and erection of poles, aeriels, or any obstruction above twenty (20) feet in height shall require the approval of the Airport Authority and the FAA.

8.4.4. No additions or deletions to dimensions of existing buildings or hangars shall be made until plans and specifications have been approved by the Authority and the City Building Department.

8.4.5. The lessee shall be responsible for extending all utilities to the lessee's building. All excavation on Airport property must be repaired at the expense of the

lessee to the satisfaction of the Authority. The cost of gas and electric meter installations and consumption shall be at lessee's expense.

8.4.6. No lease may be transferred or assigned without the written permission of the Authority, nor may any portion of a lease, its privileges, or the ground so covered be subleased without the review of the proposed sublease and written permission of the Authority.

8.4.7. Lessee agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event any future structure or building is planned for the leased premises, or in the event of any planned modification or alteration of any present or future buildings or structures situated on the leased premises.

8.4.8. The term,, and renewal options will be negotiated between the proposed lessee and the Airport Authority. All leases for new construction (except for governmental entities) will contain a provision requiring the lessee, if it defaults on the lease for any reason and does not cure the default as required by the lease, to either remove the structure at lessee's expense within 180 days or sell the structure to another lessee (subject to the second entity negotiating a lease with the Authority). If the buildings are not removed or sold within 180 days, title to the buildings will automatically transfer to the Authority.

8.4.9. Prospective lessees, depending on the anticipated costs of the improvements, may be required to provide payment and performance bonds commensurate with any construction anticipated on the proposed lease site.

9. AIRCRAFT OPERATION.

9.1. Noise Abatement Consideration. Pilots shall utilize procedures that will result in minimum noise to surrounding residential areas. This includes, but is not limited to, avoiding low altitude maneuvers. Optimum power settings and maximum altitudes shall be maintained when consistent with safety. Flights over populated areas should be avoided to the extent consistent with safety.

9.2. FAA Compliance. All aeronautical activities at the Airport and all aircraft operations departing from or arriving at the Airport and in the airspace which constitutes the control zone of the Airport shall be under the direct control of FAA Air Traffic Control Tower personnel. The Federal Aviation Regulations and Civil Air Regulations of the United States Federal Aviation Administration and other appropriate rules and regulations of that body as they pertain to aviation and aircraft operations are hereby adopted by reference and made a part of these rules as though they were fully contained herein.

9.3. Careless Operation. No aircraft shall be operated on a public aircraft parking and storage area, or public landing area or public ramp and apron area in a careless or negligent manner, or in disregard of the rights and safety of others, or without due caution, or at a speed or in a manner which unreasonably endangers, or is likely to unreasonably endanger, persons or property, or while the pilot or other persons aboard controlling any part of the operation is under the influence of intoxicating liquor or any narcotic or habit forming drug, or if such aircraft is so constructed, equipped, or loaded as to unreasonably endanger, or to be likely to unreasonably endanger, persons or property.

9.4. Run-up. No aircraft engine shall be started or run at the Airport, unless a pilot certified to operate that particular type of aircraft or a certified A & P mechanic, qualified to start and run the engines of that particular type aircraft, shall be attending the controls. Wheel blocks and tiedowns or other approved devices for blocking an aircraft should always be placed at the front and rear of each main landing wheel, and the brakes of the aircraft should be on and locked before the engine or engines are started, except in cases where proven procedures such as those followed by the scheduled airlines are equally safe. Engine run-ups must be completed in a manner that does not create any hazards or damages. The pilot / mechanic operating the aircraft shall be responsible for any damage caused due to engine run-ups. Full power engine run-ups, for turbine powered or multi-engine aircraft, shall be completed away from buildings and other aircraft. The FAA Control Tower will assist pilots / mechanics that prefer to relocate their aircraft to one of the remote areas on the Airport that have been designated for high performance engine run-ups.

9.5. Noise. It shall be unlawful for any person to operate aircraft engines through acceleration or deceleration while over the city in such a manner as will distract, excite, or disturb persons on the ground, regardless of altitude.

9.6. Hangar Operation. No aircraft shall be taxied into or out of a hangar under its own power nor shall the engines be operated while the aircraft is inside the hangar.

9.7. Parking. Any aircraft operator, upon notice from the Airport Director, shall move or cause an aircraft to be removed from any portion of the public ramp, aprons or leased areas within twenty (20) minutes of such notification, notwithstanding the fact that the published tariffs of the Airport Authority may prescribe fees for ramp occupancy by aircraft and establish definite periods of time for such purpose.

9.8. Repairs. All repairs to aircraft or engines, except emergency repair, shall be made at areas designated for this purpose and not in the area reserved for landing or taking off, ramps, aprons, or terminal gate positions.

9.9. Disabled Aircraft. After FAA and /or NTSB clearance, if required, every aircraft owner, pilot, or agent shall be responsible for the prompt removal from the landing area or aircraft operation area of any wrecked or disabled aircraft. Such aircraft, if not promptly removed, shall be removed by others as at the direction of the Airport Director or his/her designated representative, the liability and costs for which shall be borne entirely by the aircraft owner, pilot, or agent.

9.10. Storage. No aircraft may be parked, tied down, or stored on unleased ground. If an aircraft is so parked, the Airport Director shall have the authority to order the aircraft removed and stored at the owner's expense in another location without responsibility or liability for any damages that may arise from such removal or storage.

9.11. Weight Restrictions. No person shall land, take off, taxi, or park an aircraft on any area which has been restricted to a maximum weight bearing capacity of less than the weight of the aircraft at the time of using such area. The weight limitations as published and adopted from time to time by the Airport Authority will apply.

9.12. Aircraft Maintenance. Aircraft maintenance performed on exterior pavement is strictly prohibited, except in designated areas as determined by the Airport Director. If fuel or oil are accidentally spilled, an absorptive solution shall be used and shall be removed upon completion of the operation. Cleanup is the responsibility of the person performing the maintenance activity.

9.13. Cargo loading. All loading and unloading of cargo shall be completed at the cargo ramp area except for loading or unloading of cargo by completed scheduled air carriers, Fixed Base Operators, Norwest Bank, and the military. No vehicles, except military vehicles operating on military ramps, will be allowed in the security fenced area without permission of the Airport Director for the purpose of loading or unloading of cargo.

9.14. Qualified Personnel. No aircraft shall be taxied at the Airport unless a pilot certificated to operate that particular type of aircraft or a certificated A & P mechanic properly qualified to taxi that particular type of aircraft shall be attending the controls. In the case of helicopters, only a certificated helicopter pilot shall attend the controls.

9.15. Tower Contact. During hours of tower operation, no person shall taxi or tow an aircraft on any movement area until radio contact has been established with the control tower or until the person in charge of the aircraft has made previous arrangements with the control tower by telephone or other means for appropriate light signals.

9.15.1. Radio contacts between pilots or aircraft and the air traffic control tower shall be conducted in accordance with standard procedures and phraseology as prescribed by the FAA and the Federal Communications Commission of the United States.

9.15.2. While taxiing, the pilot of an aircraft shall monitor the appropriate radio frequency of the Airport traffic control tower.

9.15.3. When authorized by the control tower, an aircraft without a radio shall, when ready for takeoff, turn and face the control tower and receive proper light signal prior to takeoff.

9.15.4. All taxiing aircraft shall receive clearance from the control tower prior to entering the air operations area.

9.16. Hangar. Persons shall not taxi an aircraft to or from the hangar line or to or from an approved parking area until they have made sure, by visual inspection, that there will be no danger of collision with any person or object.

9.16.1. All aircraft shall be taxied at a safe and reasonable speed, with due regard for other aircraft, persons, and property. In no case shall aircraft on ramps or aprons be towed in excess of 15 miles per hour or in excess of a lower speed limit as may be established by the Airport Director.

9.17. Right-of-Way. Taxiing aircraft shall have the right-of-way over all vehicles except in emergency situations.

9.18. Prop/Jet Blast. No aircraft shall be started or taxied at the Airport where the exhaust blast may cause injury to persons or do damage to property. If it is impossible to taxi such aircraft without compliance with the above, the aircraft must be towed to the desired destination.

9.19. Location. All landings or takeoffs shall be made on the designated runways or areas so designated by the Airport Director.

9.19.1. The direction of landing or takeoff shall be designated by the tower controller. Normally, the controller will designate a direction for takeoff or landing which

will be most nearly aligned into the wind; however, a different direction may be approved at the request of a pilot or controller in the interest of expediting traffic or noise abatement.

9.19.2. Aircraft landing or taking off shall conform to the published air traffic patterns unless otherwise instructed by the control tower operator in the interest of safety or to expedite the flow of traffic.

9.20. Taking Off and Landing. No turn shall be made after takeoff until the Airport boundary has been reached and the aircraft has attained an altitude of at least 4,500 mean sea level feet. Exceptions may be authorized by the control tower.

9.20.1. Landing aircraft shall clear the runway as soon as possible or as directed by the control tower.

10. SAFETY PRECAUTIONS.

10.1. Fuel and Oil Handling. Aircraft fuel handling at the Airport shall be conducted at a safe distance, determined by adopted fire codes and the Airport Director, from any hangar or other building, except where the location of underground fuel tanks presently installed require such fuel handling closer to existing buildings or hangars. Fuel trucks shall be parked 50 feet away from all hangars and buildings at all times.

10.1.1. No aircraft shall be fueled or defueled while the engine is running or being warmed by applications of exterior heat or while such aircraft is in a hangar or enclosed space.

10.1.2. During all fuel handling operations in connection with any aircraft at the Airport, the aircraft and the fuel dispensing or defueling apparatus shall be grounded and bonded by wire to prevent the possibility of static ignition of volatile liquids and gases.

10.1.3. During fuel handling in connection with any aircraft, no person shall operate any radio transmitter or receiver in such aircraft nor conduct any operations likely to cause a spark at a distance within fifty (50) feet of such aircraft.

10.1.4. Adequate fire extinguishers as prescribed by NFPA codes shall be within easy reach of all persons engaged in fueling or defueling aircraft.

10.1.5. Fueling hoses and equipment shall be maintained in a safe, sound, and nonleaking condition and shall be approved by the National Board of Fire Underwriters in all respects and parts.

10.1.6. No aircraft shall be fueled or defueled while passengers are on board the aircraft unless a passenger loading ramp is in place at the cabin door of the aircraft, the aircraft door is in the open position, and a cabin attendant is present at or near the cabin door.

10.1.7. Smoking is prohibited in or near any aircraft or on any ramp, apron, or loading position. Only personnel engaged in fuel handling or in the maintenance, operation, or loading/unloading of the aircraft being fueled shall be permitted within a distance of fifty (50) feet of the fuel tanks of such aircraft during the fuel handling operations.

10.1.8. No person shall start the engines of any aircraft when there is any type of fuel exposed on the ground under the aircraft. In the event of a spillage, the highest level of company supervision on duty shall be advised and shall determine if the spill shall be cleaned or flushed. If the spillage covers fifty (50) square feet or more, the Airport maintenance or fire departments shall be contacted immediately for flushing. No aircraft engine may be started in the area of the spillage, even after cleaning or flushing, until permission is granted by the supervisor.

10.1.8.1. In the event of spillage or dripping of gasoline, oil, grease, or any other material, except such spillage or dripping as may be normal in aircraft or vehicular operation, which may be hazardous or unsightly or detrimental to the pavement in any area at the Airport, immediate removal will be required by the operator of the equipment causing same, or by the tenant or responsible concessionaire.

10.1.8.2. Receptacles containing waste oil must be placed in approved containers provided by the tenant for such purpose for further disposition. Discarding oil on the ground, pavement, or on any grassed or planted area is prohibited, and any offender shall be liable for damage thereto.

10.1.8.3. Discarding oil, solvents, or aviation fuel in any drain, storm, or sanitary sewer is prohibited.

10.2. Fuel Spills.

10.2.1. Persons responsible for fuel spillage shall take such action as may be necessary to prevent spilled fuel from entering storm sewers or drains. Immediate action

shall be taken by the persons responsible for any fuel spillage to prevent said fuel spillage from entering into drainage ditches or sewer systems.

10.2.2. Any person engaged in fuel handling shall have absorbent material on hand at all times. During aircraft fueling operations, an absorbent ring, pad, or seal shall be available on the fuel truck and shall be placed around or over storm water inlets in the event fuel is spilled.

10.2.3. Any person causing or responsible for spillage of fuel, oil, grease, and other inflammable material in excess of two (2) gallons shall immediately report such spillage to the Airport Public Safety Department or Airport Management. The responding Airport representative shall have the authority to make the area safe and suspend any and all regulations set forth in this section 10.2.

10.2.4. The person causing or responsible for a fuel spillage shall furnish all necessary oil absorbent materials at the spilled fuel site. Only commercially produced oil absorbent material may be used on paved surfaces.

10.2.5. All used oil absorbing material shall be cleaned up by the person causing or responsible for the spill as soon as possible and removed from the Airport and disposed of at an approved site. Spill areas shall be left free and clean of all oil, grease, fuel, and other inflammable material.

10.2.6. When fuel from a spill enters a storm drain, all costs incurred to prevent the spilled fuel from reaching city drains shall be at the expense of the person or firm causing the spill.

10.2.7. In the event that Airport personnel, equipment, or materials are utilized to clean up spilled fuel because of failure to do so by the person or firm causing the spill or to prevent interruption of an essential Airport service, the entire cost of the operation shall be at the expense of such person or firm.

10.3. Fire Prevention. All persons using the Airport area or the facilities of the Airport shall exercise the utmost care to guard against fire and injury to persons or property.

10.3.1. No person shall smoke or carry lighted cigars, cigarettes, pipes, matches, or any open flame in or around fuel storage areas, public ramps, apron areas, or public aircraft parking and storage areas, or in any other place where smoking is specifically prohibited by signs, or upon any open space within fifty (50) feet of any fuel carrier or aircraft which is not in motion.

10.3.2. No person shall keep or store any volatile flammable liquids, gases, signal flares, or other similar items in the hangars or in any other buildings on the Airport; such material, however, may be kept in aircraft or vehicles in their specifically installed supply or operating tanks or in rooms or areas specifically approved for storage by the Airport Director. Approved parts cleaning equipment using EPA approved mineral spirits may be used if appropriately stored.

10.3.3. No person shall start open fires of any type, including flare pots, torches, or fires in containers formerly used for oil, paint, and similar materials on any part of the Airport. All welding shall be conducted in areas designated as maintenance areas or in hangars normally used for aircraft maintenance.

10.3.4. No person shall use flammable volatile liquids having a flash point of less than 110 degrees Fahrenheit in the cleaning of aircraft, aircraft engines, propellers, appliances, or for any other purpose, unless such operations are conducted in open air or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

10.3.5. Fire extinguishing equipment at the Airport shall not be tampered with at any time or used for any purpose other than fire fighting or fire prevention. All such equipment shall be kept inspected in conformity with the regulations of the National Board of Fire Underwriters. Tags showing the date of last inspection shall be attached to each unit, or records acceptable to fire underwriters shall be kept showing the status of such equipment.

10.3.6. The appropriate certification of employee training for the handling of all aviation fuels on the Airport and the required FAA inspection of aircraft fueling facilities and equipment may be accomplished only by certified Airport personnel.

10.4. Radioactive Materials. No person shall, without prior permission of the Airport Director, store, keep, handle, use, or transport at, in, or upon the Airport the following radioactive materials:

10.4.1. Source material (as defined in Standards for Protection Against Radiation, promulgated by the Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 20) including, but not limited to, uranium, thorium, or any combination thereof;

10.4.2. Special nuclear material (as defined in Standards for Protection Against Radiation, promulgated by the Atomic Energy Commission, Title 10, Code of Federal Regulations, Part 20) including, but not limited to, plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, or any material artificially enriched by any of the foregoing;

10.4.3. Any radioactive material moving under an Interstate Commerce Commission special permit or Atomic Energy Commission special permit and escort. Advance notice of at least twenty-four hours shall be given to the Airport Director to permit full investigation and clearance for any operation requiring a waiver of this rule. The permission of the Airport Director may be given to movements of radioactive materials only when such materials are packaged, marked, labeled, and limited as required by the Interstate Commerce Commission and Federal Aviation Administration regulations applying to transportation of explosives and other dangerous articles and do not create an undue hazard to life or property at the Airport.

11. PUBLIC USAGE.

11.1. Loitering. Tenants, their employees, or patrons shall not loiter in entrances or corridors, nor in any way obstruct the sidewalks, entry passages, halls, and stairways and shall use the same only as passageways and means of passage to and from their respective offices. Continued and willful violation of this rule by any individual will justify his/her ejection from the Airport, and admittance again thereto will be barred unless legitimate business can be proven.

11.2. Business Conduct Requires Permit. No person shall engage in any business or commercial activity of any nature whatsoever on the Airport except with the approval of the

Airport Director and under such terms and conditions as may be set forth in a permit issued by the Director on behalf of the Authority.

11.3. Regulation of Solicitations. Any person or organization desiring to use the Airport for the purpose of exercising constitutional rights of free speech, freedom of religion, and right of peaceable assembly in activities such as distribution of literature and solicitation of contributions, shall be protected in such activities providing they do not result in impairing or interfering with the operational functions of the Airport and such activities are in compliance with code provisions. The restrictions and requirements of Sections 8.3.1 to 8.3.3 are hereby declared to be necessary for the accomplishment of the following purposes:

1. To ensure that persons seeking to exercise their constitutional rights of free speech, freedom of religion, and right to peaceable assembly may reasonably do so upon the premises of the Airport;
2. To restrict such activities of free speech and freedom of religion to certain public use areas of the Airport;
3. To protect all persons using the Airport from being subjected to harassment or undue pressure by any persons or organizations seeking to exercise rights of free speech and freedom of religion;
4. To ensure the free, orderly, and efficient flow of pedestrian traffic through the Airport premises; and
5. To ensure the efficient and safe operations of the Airport.

11.3.1. Solicitation Permit Required. No individual or organization shall distribute literature or solicit contributions at the Airport without first obtaining a permit from the Airport Director. A written application showing the nature of the intended activities must be received by the Airport Director at least two (2) business days prior to the date contemplated for commencing the activity and may be applied for thirty (30) days in advance of such activities. The written application shall contain:

- a. The full name, residence mailing address, and telephone number (if any) of the individual or organization sponsoring or promoting the proposed activities or desiring to distribute literature or solicit funds;
- b. The full name, residence mailing address, and telephone number (if any) of the contact person in the organization who will have supervision of and responsibility for the proposed activities;
- c. The dates and hours on and during which the activities are proposed to be carried out, the expected duration of the proposed activities, and the anticipated number of participants;
- d. A description of the proposed activities, indicating the type of communication involved; and
- e. Which area the applicant prefers as such area is numbered and circumscribed on the plan which appears on a diagram in the Airport Director's office.

11.3.2. Issuance of Solicitation Permits. Permit(s) shall be issued promptly within two (2) business days following receipt by the Airport Director of the registration form containing the above information. The Airport Director shall issue one contact person a registration card which shall indicate the person's registration number and the date of expiration and shall designate to which area(s) of the Airport that person and/or organization has been assigned. One member only need register on behalf of the organization. On the date of the registered activities, the designated representative shall submit a list of the participants to the Airport Director or other designated representative of the Helena Regional Airport.

11.3.3. Nondiscretionary Approval. The Airport Director shall exercise no judgment regarding the purpose or content of the proposed activities and shall exercise no discretion over the issuance of a registration permit. The issuance of a permit by the Airport Director shall be a routine, clerical, and mandatory function. The registration permit shall be issued for a period of no more than ten (10) days. Upon request by authorized enforcement personnel, the organization's designated representative or individual, if a sole participant, shall display the registration card. Participants in a group exercise of constitutional rights shall refer requests from authorized enforcement personnel to the designated representative.

11.3.4. Restricted Areas. The distribution of literature and solicitation of funds at the Airport shall be conducted only in the nonsecured, public use areas defined in this section. Under no circumstances shall such activities be conducted:

- a. In any space exclusively leased to a tenant of the Airport or within ten (10) feet of any such area, except for the main corridor; or

- b. Within twenty (20) feet of any security checkpoint; or
- c. Within five ten (10) of any entrance or exit to any space exclusively leased to a tenant opening into the main corridor as indicated on the diagram in the Airport Director's office.
- d. In any space reserved for particular uses, such as rest room facilities, unloading areas, and baggage claim areas; or
- e. Within ten (10) feet of the entrance to any elevator; or
- f. At any location on the premises of the Airport not designated an authorized area on the diagram in the Airport Director's office.

11.3.5. Number of Solicitors.

- a. The total number of persons engaged in the distribution of literature and/or the solicitation of funds in the public use areas shall not exceed the determined maximum number of persons allowed for each area as described on the diagram in the Airport Director's office. This provision is included for the purpose of ensuring safety of the public and efficient operation of the Airport.
- b. In the event that two (2) or more organizations seek to conduct such constitutional activities at the same time, the Airport Director shall assign the available areas between or among the parties on as equitable a basis as possible.

c. When the number of persons desiring to distribute literature and/or solicit funds at the Airport exceeds the number specified for any one area as stated herein, the Airport Director may impose such reasonable and equitable restrictions as to allowable dates or hours for the conduct of such activities as may reasonably be required, providing as fair and as equitable as possible an opportunity for all persons desiring to conduct such activities while ensuring the efficient and effective operation of the transportation function of the Airport.

d. The Airport Director may move the permitted activities from one area to another and among the different areas upon reasonable written notice to each affected person when in the judgment of the Airport Director a move or moves are necessary to the efficient and effective operation of the transportation function of the Airport.

11.3.6. Tables. Each organization may provide and place in each designated area one table with a sign of a size and configuration approved by the Airport Director. Other participants may carry signs of a size and configuration approved by the Airport Director as not interfering with the safety or obstructing the movement of persons using the Airport as prohibited by the rules.

11.3.7. Prohibited Solicitation Activities. The distribution of literature and solicitation of funds referred to in this section shall be conducted strictly in conformity with the terms of this section. In conducting such activities, no person shall:

- a. In any way intentionally obstruct, delay, or interfere with the free movement of any other person or seek to coerce or physically disturb any other person;
- b. In any way indicate to the public that he or she is a representative of the city or the county or the Airport or any airline;
- c. Misrepresent his or her identity or misrepresent the organization or purpose for which funds are being solicited;
- d. Display a sign in the areas identified except those approved for size and configuration by the Airport Director.

11.4. Labor Disputes. In case of labor disputes, picketing or other demonstrations shall be confined to the entrance of the Airport or other locations as may be specifically designated by the Airport Director.

11.5. Signs. No sign, advertisement, or notice shall be inscribed, painted, or fixed on or to any part of the outside or inside of any buildings owned or leased by the Authority except to be of such color, size, and style, and in such place upon or in the buildings as may be designated by the Airport Director.

11.6. Defacing Property. Any person causing damage of any kind at the Airport, its buildings, fixtures, or appurtenances, whether through violation of these rules and regulations or through any act or omission, shall be fully liable to the Authority.

11.7. Disorderly Conduct. Any person who shall commit any disorderly or obscene act on the Airport will be immediately ejected therefrom and admittance again thereto may be barred by the Airport Director.

11.8. Gambling. No person shall conduct in any form or operate gambling devices anywhere on the Airport unless approved in writing by the Authority.

11.9. Security. It shall be the responsibility of the airline operators and fixed base operators and commercial and limited commercial operators to see that all gate chains and doors and other public safeguards are continually and conscientiously used in a manner so as to protect all persons. All access gates to the AOA through the operators' premises are their responsibility and shall remain closed when not in use. If, as a result of FAA findings, a breach of security is determined at the location of one of these gates controlled by an operator and a fine is imposed, the operator responsible for the gate shall be assessed for the same amount.

11.10. Hunting. No person shall hunt on the Airport premises except upon authority of the Airport Director.

11.11. Pets.

11.11.1. No person shall enter any public building or operational area of the Airport with any pet except a "Service Animal," or one properly confined for shipment.

11.11.2. No person shall permit livestock or any other animals under their control or custody to enter the Airport without permission. Any stray livestock or animal on the Airport will be disposed of in accordance with the laws of the State of Montana.

11.12. Lost Articles. Any person finding lost articles shall deposit them at the Airport Director's office. Articles unclaimed by the owner ninety (90) days after their finding will be considered property of the Airport and may be disposed of by the Director. Any proceeds will belong to the Authority. Nothing in this section will be construed to deny the scheduled air carriers the right to maintain lost-and-found services.

12. HIGHWAY VEHICLES AND PARKING REGULATIONS.

12.1. Approval. No vehicle shall be operated in or about a vehicular parking area or any road within the Airport or upon any of the aircraft facilities unless:

12.1.1. The driver is authorized to operate such vehicles under the laws of the State of Montana; except that approved ramp equipment may be operated on the public ramp and apron area by employees certificated by the employer to the Authority as qualified to operate such equipment;

12.1.2. Such vehicle is registered in accordance with the laws of the State of Montana and/or unless it is specifically authorized by the Authority to be operated in such areas.

12.2. Permission. No vehicle shall be driven or parked on the landing, taxiway, nonmovement area, or tiedown area without special permission of the Airport Director or designated representative, and then only in accordance with instructions. The driver of the vehicle shall notify the control tower and obtain clearance prior to entry on the landing, taxiway, or aircraft movement areas. All vehicles shall hold clear of runways by 250 feet waiting for light signals or until a clearance is received by radio. All Airport based vehicles

having constant entry to the AOA will be identified by a vehicle number as approved by the Airport Director. All Airport based vehicles must have a beacon which flashes at a minimum of 60 flashes per minute.

12.3. Operation. No vehicle shall be operated upon any portion of the Airport in a careless or reckless manner or in disregard of rights and safety of others or while the driver is under the influence of intoxicating liquor or any narcotic or habit forming drug or if such vehicle is so constructed, equipped, or loaded so as to unreasonably endanger, or likely to unreasonably endanger, persons or property. No vehicles shall be operated by an unlicensed driver, or at a speed greater than the speed posted, or at a speed in excess of twenty-five (25) miles per hour in un-posted areas, or at a speed exceeding fifteen (15) miles per hour when on the ramp and apron area or on aircraft parking and storage area.

12.4. Terminal Ramp. No vehicle may pass between a parked aircraft and the passenger loading gate except for airline service vehicles attending to that aircraft.

12.5. Emergency Vehicles. Every motor vehicle shall yield the right-of-way to fire engines, ambulances, crash and rescue vehicles, and police vehicles when they are engaged in emergency activities.

12.6. Removal of Damaged Property Outside of the AOA. Within 48 hours after notification, wrecked or damaged aircraft or autos must either be removed from Airport property or stored in a building or structure. If not removed or stored, then the Airport Director will store or remove it from the Airport at the expense of the owner.

12.7. Parking Fees. No person shall park a vehicle in the designated public parking areas without payment of posted parking fees as may be required by the Authority. Fines

for violations of parking and traffic rules and regulations on the Airport shall be levied according to the schedule posted in the Airport Director's office and at the short-term and long-term parking lots.

12.8. Improper Parking. No person shall park a vehicle or allow it to remain halted on a public vehicular parking area, operational area, or road within the Airport except at such places and for such periods of time as may be prescribed or permitted by the Airport Authority. Parking on grassed or landscaped areas within parking areas is prohibited. No person shall stop or park a vehicle:

12.8.1. In front of a driveway or blocking access to a defined parking area such as unloading for handicapped, public safety vehicles, or other Airport vehicles;

12.8.2. Unless otherwise authorized, within zones restricted to vehicles in the transportation of passengers for pay;

12.8.3. For the purpose of washing, greasing, or repairing a vehicle, except that the emergency repairs necessary to enable the vehicle to be removed may be made if the vehicle fails on a road area but in any event must be removed within two hours;

12.8.4. On the left side of a road;

12.8.5. On the roadway side of any stopped or parked vehicle;

12.8.6. Within fifteen (15) feet of a fire hydrant or within a fire lane or restricting the access to or from the fire lane;

12.8.7. Other than in accordance with restrictions posted on authorized signs.

12.9. Traffic and Parking Violations. Airport Public Safety Officers are authorized to issue citations for parking violations as follows:

12.9.1. Parking tickets for the nonpayment or insufficient payment of parking fees as required by Section 12.8 may be issued to the registered owner or to the operator, if known, of such vehicle.

12.9.1.1. Every person in whose name a vehicle is registered shall be responsible for the payment of any parking fee violation or parking regulation set forth in Section 12.8, if the operator of such vehicle is unknown. The registered owner shall have the right to rebut the presumption of responsibility for violations.

12.9.2. Notice of Violations. Any violation of parking regulations, unless otherwise specified, shall constitute a misdemeanor under the Helena City Code Chapter 8. A parking ticket shall be attached to the vehicle for parking violations on long- and short-term parking areas or handed to the operator, if known. The parking ticket shall specify the violation and instruct the vehicle owner or operator thereof to pay a fine for each such violation in an amount according to the schedule posted in the North Terminal building. All fines shall be paid to the Helena Regional Airport, either by mail or by deposit in a designated drop box.

12.9.2.1. For all other traffic violations, Airport Public Safety Officers shall request the City Police to issue a Notice to Appear and Complaint which shall be adjudicated by Helena City Court.

12.9.2.2. If a parking ticket is disregarded by failure to pay or appeal the parking ticket, a second notice shall be mailed to the owner of record of the vehicle, instructing the owner to pay to the Helena Regional Airport the sums specified. If the second notice is disregarded, an Airport Public Safety Officer may file a Notice to Appear and Complaint for the prosecution of the violation in Helena's City Court.

12.9.3 Unclaimed Vehicles. The authority may establish a uniform fee for parking of motor vehicles on Airport property, whether in a designated lot or elsewhere. That charge shall increase to \$100 per month after three months. The authority shall have a possessory lien as provided in 70-6-401 et seq. MCA. against the vehicle for accrued parking and storage charges, and vehicle shall not be released until all charges have been paid in full.

If a vehicle has been situated on Airport property more than six months, and the owner cannot be located after reasonable efforts have been made, and if it appears to the Airport Director or his staff that the vehicle has been abandoned, the authority may dispose of the vehicle for the accrued storage and parking charges. The authority shall have discretion with regard to the manner of disposal, and may tow the vehicle to a dump facility or sell it to a wrecking yard, or any other appropriate action. The authority shall have no financial or legal liability to the owner of a vehicle which has been removed and disposed of in accordance with this regulation.

12.9.4. Appeals of Ticketed Parking Violations. An owner or driver has the right to appeal ticketed parking violation to the Director of the Helena Regional Airport prior to

the issuance of a Notice to Appear in Helena City Court. On such appeal, the Director shall have the authority to make an impartial determination to cancel the parking ticket based upon the evidence and facts presented by the owner/operator or to proceed with the issuance of a Notice to appear and Complaint.

12.10. Taxicab, Limo, and Other Operations. No person shall operate any taxicab or public service vehicle from the Airport unless such operation has the approval of the Airport Director and other agencies having jurisdiction and under such terms and conditions as may be prescribed and upon payment of such charges as may from time to time be established by the Airport Authority. Commercial vehicles are subject to all parking and traffic regulations.

12.11. Passenger Loading. No vehicle for hire shall load or unload passengers at the terminal at any place other than that designated by the Airport Director.

12.12. City Ordinances. All rules and regulations regarding the operation of and parking of vehicles on the Airport property will be governed by ordinances adopted by the City of Helena in Chapter 8 of the Helena City Ordinances except insofar as these rules specifically provide otherwise.

13. SCHEDULE OF FEES.

13.1. Part 121 and 135 Commercial Operators. Landing fees have been adopted and approved for all air carrier, cargo, and commercial operators using the Airport on a scheduled or nonscheduled regular basis. The fees have been determined by the Authority from time to time and are maintained in the Airport Director's office.

13.2. Ramp Parking Fees. Ramp parking and tiedown fees are determined by the Authority and are also maintained in the Airport Director's office.

13.3. Fuel Flowage Fees. Except for air carriers, a fuel flowage fee is charged on all aviation fuels sold or transferred to an aircraft on the Airport. The rate will be reviewed and adjusted as necessary by the Authority. The current rate is maintained in the Airport Director's office.

13.4. Vehicle Parking Fees and Fines. As indicated in Section 9 hereof, the vehicle parking fees and fines are maintained in the Airport Director's office and at the short-term and long-term parking lots.

13.5. Other Fees. The Authority may, from time to time, require additional fees for activities at the Airport. Such fees will be maintained in the Airport Director's office.

14. ENFORCEMENT.

14.1. Right of Inspection. The Helena Regional Airport, as represented by the Airport Director or Airport Public Safety personnel, authorized city or county officials, or other approved officials as may be necessary, reserves the right to inspect all tenant fuel equipment, operations, and other facets of fueling as they relate to quality and safety.

14.2. Compliance with Fire Code. The provisions of the fire code as adopted by the city of Helena shall be applicable at the Airport; and in case any matter contained herein is also covered by provisions of the fire code, the more stringent of the requirements shall apply.

14.3. Violations and Penalties.

a. Violation of any provision of the Montana Code Annotated, or any other applicable state or federal regulation as it may apply to activities on the Airport, is subject to punitive action either locally or on a federal level.

b. Violation of any of the provisions of this section may lead to a charge of maintaining a public nuisance and, upon conviction, may be punished as provided in Section 45-8-111, MCA.

15. EFFECTIVE DATE AND EXISTING AGREEMENTS.

15.1. Enactment of these revised Minimum Standards shall existing leases between the Authority and tenants at the Airport. Following the adoption of these revised Minimum Standards, any new leases entered into and any amendments or renewals of existing leases shall be in accordance with these Minimum Standards.

15.2. These Minimum Standards shall be effective when duly passed in final form by the Helena Regional Airport Authority.