

HAROLD DAVIDSON FIELD AIRPORT – MINIMUM STANDARDS FOR OPERATORS OF COMMERCIAL ACTIVITIES

SECTION 1 – GENERAL PROVISIONS

1.01 Introduction

The City of Vermillion City Council adopts these minimum standards for the Harold Davidson Field Airport herein after the Airport in order to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the airport.

The City of Vermillion City Council hereby vests power and authority in the Vermillion City Manager or his/her designee to enforce these Minimum Standards and otherwise to perform all acts which may be necessary and proper for the safe and efficient operation of the Airport. Failure on the part of any person to immediately comply with any reasonable request and direction of the City Manager or his/her designee shall be grounds for the removal of such persons from the Airport in any lawful and reasonable manner.

1.02 Required Conditions

Any person desiring to engage in one or more commercial activities at the Airport must adhere to these applicable minimum standards as a condition to establishing and providing the permitted activity and must be a party to a written lease and/or agreement with the Airport. In addition, the applicant must obtain any required licenses, or permits, from the City.

1.03 Commercial Services Defined

Commercial services are defined as certain commercial activities conducted at or from the Airport for the purpose of securing earnings, income, compensation, or profit, whether or not such activities are actually accomplished.

1.04 Non-Discrimination

A fair and reasonable opportunity, without unjust discrimination, shall be afforded all applicants to qualify, or otherwise compete, for available Airport facilities; or to engage in selected commercial activities, subject to the Minimum Standards and requirements as may be established and amended from time to time by the Airport.

The Airport, through its Minimum Standards, attempts to maintain a “level playing field” on which all commercial operators of similar classifications or Aeronautical activity are to conduct business on a fair and equal basis for the benefit of the aviation public. In developing these Minimum Standards, the Airport intends neither to block competition between service providers nor to protect any existing or incumbent provider from competition. Commercial Operators on the Airport are required to (1) furnish services on a fair, equal, and not unjustly discriminatory basis to all customers, and (2) charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that the Operator is allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

No Commercial Operator shall exclude from employment in participation, access to, benefits of its operations or otherwise discriminate against persons on the grounds of race, color, national origin, handicap, age, sex or veteran status. Commercial Operators shall be responsible for

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compliance with all applicable local, state and Federal rules, regulations, ordinances or laws regarding nondiscrimination.

1.05 Development of Additional Minimum Standards

Authorized commercial services are not limited to those listed in these minimum standards. In the event a prospective operator desires to conduct a commercial activity not listed in these standards, the minimum standards for that activity may be identified as part of the application process. Additional activities may be subject to minimum standards. In developing new minimum standards for aeronautical services, the following guidelines are to be considered:

- A. The minimum hangar space, office space, land, equipment, personnel, operating hours, and other standards required of a commercial operator shall be those appropriate for the services provided and shall be sufficient to facilitate good customer service.
- B. The Airport is not obligated to provide or construct public ramp/apron or connecting taxiways for commercial operators. Further, the Airport's ability to construct such ramp/apron or taxiway facility is limited to the availability of funds, which may be dedicated to higher priority projects at the Airport. The prospective operator should expect to fund all facility needs (building, parking lots, ramps/apron, connecting taxiways) as part of the total plan.

1.06 Pre-Qualification Requirements

The prospective Operator shall submit, in written form, to the City Manager or his/her designee at the time of application, the following information as may be requested by the Airport.

A. Intended Scope of Activities

As a condition precedent to the granting of the operation privilege on the Airport, the prospective Operator must submit a detailed description of the intended activity (ies), and the means and methods to be employed to accomplish the applicable operating standard and requirements, in order to provide high quality service to aviation and the general public in the Vermillion area, including the following:

- ~~i.~~ Applicants name, mailing address and phone number
- ~~ii.~~ If an incorporation, or partnership, list the name, mailing address and phone number of all of the owners of 10% or more.
- ~~iii.~~ The services to be offered.
- ~~iv.~~ The amount of land to be leased or subleased.
- ~~v.~~ The building space to be constructed leased or subleased.
- ~~vi.~~ The number of aircraft (or vehicles) to be provided, if applicable.
- ~~vii.~~ The number of qualified and/or certified employees.
- ~~viii.~~ The hours of proposed operation.
- ix. Evidence of required minimum insurance coverage as established by the Airport.
- x. Evidence of the operator's level of competency and experience in successfully performing the proposed service.

B. The Written Agreement

With the approval of the application by the City Manager or his/her designee prior to the commencement of commercial operations, the prospective Operator will be required to enter into a written agreement with the Airport. The agreement will detail the terms and conditions under which the Operator will conduct business on the Airport, including, but not limited to, the term of agreement; the rentals, fee, and charges; the rights, privileges, and obligations of the respective parties; and other relevant covenants. The conditions contained in the schedule of Minimum Standards and Requirements do not represent a complete recitation of the

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provisions to be included in the written agreement. Agreement provisions, however, will not change, modify, or be inconsistent with, the Minimum Standards and Requirements.

C. Site Development Standards

- i. The minimum space requirements hereinafter provided may be satisfied by the lease, construction or sublease of single abutting, or separate parcels having one building, attached buildings, or separate buildings. The use of mobile home type buildings to satisfy space requirements is prohibited. A minimum 5-foot setback from the aviation apron areas is required for new construction. For construction of any new facilities not already contained on the Airport, the Operator shall be subject to all applicable Federal, State, and local laws, ordinances, codes, rules and regulations.
- ii. No person shall make any alterations of any nature whatsoever to any buildings, aprons, or other airport space, nor shall any building or other structure be erected without prior submission of a written request, including detailed plans and specifications, and the receipt of written permission from the City Manager or his/her designee. Prospective Operators shall comply with all building codes of the City of Vermillion and shall deliver to the City Manager or his/her designee, “as-built” plans upon completion.
- iii. Further, a notice of alterations or construction must be submitted to the Federal Aviation Administration by the prospective Operator, FAA Form 7460-1 (Notice of Proposed Construction and/or Alteration) and a finding of “no-hazard” must be received prior to commencement of any construction.

D. Personnel

- i. The prospective Operator shall have in his employ, and on duty during the required operating hours, such numbers and types of trained personnel with proper FAA credentials, certificates, and ratings as applicable to provide adequate and efficient services.
- ii. Operator must demonstrate that procedures have been established to assure that all persons employed, or to be employed, who have unescorted access to any area on the airport controlled for security reasons, have background checks to the extent required by law, or regulation.
- iii. Operator’s employees shall be neat, clean, and courteous. Operators shall not permit its agents, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner, or to solicit business outside the space assigned as stated in lease or operating agreement.

1.07 Indemnity and Insurance

A. Indemnification

- i. Prospective Operator’s must agree to indemnify, save, hold harmless, and defend the Airport, its agents and employees, its successors and assigns, individually or collectively, from and against all liability for any claims and actions and all reasonable expenses incidental to the investigation and defense thereof, in any way arising out of or resulting from any acts, omissions or negligence of the Operator, its agents, employees, licensees, successors, and assigns, or those under its control; in, on or about leased premises; or in connection with its use and occupancy of leased premises or use of airport; provided, however, that the Operator shall not be liable for any injury, damage, or loss occasioned by the negligence or willful misconduct of the Airport, its agents and employees.

B. Minimum Liability Insurance Requirements

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- i. Without limiting the Operator’s obligation to indemnify the Airport, the Operator shall provide, pay for, and maintain in force at all times during the term of the Operator’s agreement a policy of:
 - 1. Commercial general liability policy, which normally will provide coverage on four specific areas: general liability, hangar keeper’s liability, premises liability and product liability. The required coverages may be expanded or reduced depending on the type of proposed commercial use. The coverage limits will not be less than:
 - a. Permanent Single Service Operator, a Temporary Single Service Operator or a Limited Service Fixed Based Operator - \$1,000,000 per occurrence
 - 2. Workman’s Compensation insurance; and any other policies of insurance reasonably required by the Airport.
- ii. The above mentioned insurance amounts and types of insurance shall be reviewed from time to time by the Airport, if in a review there is a reasonable determination that such adjustments are necessary to protect the Airport interests. The Operator shall furnish the Airport, as evidence that such insurance certificate including the Airport as additional insured within 30 days after the policy is issued. Said policies shall be in a form and content satisfactory to the Airport and shall provide for thirty (30) days written notice to the Airport the cancellation of or any material change in such policies.

C. Environmental Impairment

Operators must agree to comply with any environmental regulations affecting its operations, including furnishing insurance or other security against environmental impairment risks as required by the Airport, State of South Dakota or agencies of the Federal Government.

SECTION 2 – AERONAUTICAL SERVICES

2.01 Introduction

The following Minimum Standards for Commercial Aeronautical Services Incorporated using, as a reference, FAA Advisory Circular 150/5190-7 (current edition), Minimum for Commercial Aeronautical Activities, and the Airport rules and regulations, as may be adopted or amended. The Airport does not certify that the required minimum land, and building areas, personnel or equipment levels are adequate for the successful operations of the commercial activities described. Additional land and building space, personnel and equipment exceeding the minimums, may be necessary for the operator to ensure that services are effectively provided to meet the needs of the public. All Aeronautical services and uses of the Airport shall be conducted in strict compliance with federal regulations and state and local laws.

2.02 Development of Quality Services

It is the intent of the Airport to ensure that the airport, through its authorized commercial operators, provides a full range quality service to the aviation public. To accomplish this objective the Airport, has established a Limited Service Fixed Based Operator (LSFBO) development process. The development process is founded on the principle that only experienced, well capitalized; operators have the greatest chance of successfully providing these quality services. The process also provides opportunities for interested parties, with limited experience, to establish aviation service businesses, to gain the necessary experience, and to grow in the LSFBO service levels of greater responsibility to the public.

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2.03 Exclusive Rights

No private aeronautical service provider will be granted an exclusive right to solely provide any aeronautical service on the airport. Any interested party meeting the Minimum Standards may qualify for authorization to begin business.

2.04 Single Service Operator

A person or organization meeting the appropriate minimum standards may apply to the Airport, in accordance with Section 1.06, for permission to operate as a Single Service Operator (1st Entry Level- Exhibit A). Single service operators are prohibited from retail sales of fuel and providing aviation line services. Fuel/petroleum retail sales and line services are privileges reserved for City of Vermillion. Single service operations are considered “entry level” business activities and thus no actual experience in operating such a business is required. Some experience, is however, recommended. A single service operator may conduct business “under the umbrella of” an authorized limited service fixed base operator. When supporting “under the umbrella” activities, the LSFBO must meet the minimum standards associated with the additional aviation service.

All Single Service Operators will meet the following minimum standards:

A. Leased Space Requirement

Each Single Service Operator shall operate out of a building located on the Airport. The building must be built on a parcel containing at least 2,750 square feet. The building itself shall be at least 1,600 square feet. The building must provide adequate space for properly heated and lighted offices, hangar storage, maintenance, and public waiting areas. The terminal building may be used as a public waiting area.

B. Hours of Operation

The hours of operation shall be at the operator’s discretion. The operator shall provide a telephone number for on-call response during nights, weekends, non-scheduled hours, and holidays.

C. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the Manufacturer’s maintenance standards.

2.05 Single Service Operator – Aircraft Sales

In addition to section 2.04 any operator desiring to engage in the sale of new, or used, aircraft must also meet the following requirements:

A. Services

Operator is prohibited from performing aircraft maintenance and repair work for the general public.

B. Personnel

In addition to 1.06D, Operators must provide one or more persons holding a current commercial pilot certificate with ratings appropriate for the type of aircraft to be demonstrated or for sale. They must also employ one person currently certified by the FAA to perform aircraft maintenance work on the aircraft being sold, if the operator intends to do their own maintenance.

C. Dealership

A new aircraft dealer shall be an authorized factory dealership or subdealership having a license or permit as required by the State, and knowledge of all South Dakota applicable

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statutes concerning sales, contracts and warranties. A dealer in new aircraft shall own or have exclusive lease on minimum of one current model demonstrator, not more than 12-months old.

D. Part and Service

Dealer shall have adequate servicing facilities and access to parts to provide maintenance service to customer's aircraft during the warranty period.

2.06 Single Service Operator – Airframe and Power Plant Repair (Aircraft Maintenance and Repair)

In addition to section 2.04 any operator desiring to engage in airframe and/or power plant repair services must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operators shall employ a minimum of one person currently certified by the FAA with ratings appropriate for work to be performed.

B. Equipment

Maintain sufficient equipment, supplies, or have the availability to acquire parts to perform maintenance in accordance with manufacturer recommendations or equivalent on various types of based aircraft.

2.07 Single Service Operator – Aircraft Rental

In addition to section 2.04 any operator desiring to engage in the rental of aircrafts to the public must also meet the following requirements:

A. Aircraft

Operator shall own or have an exclusive lease in writing for one air worthy single engine, or multi-engine, aircraft equipped for flight under both visual and instrument conditions.

B. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.08 Single Service Operator – Flight Training

In addition to section 2.04 any operator desiring to engage in commercial flight instructions must also meet the following requirements:

A. Personnel

In addition to 1.06 D, Operator must employ one person qualified to provide ground and flight instruction in accordance with FAA regulations.

Note: If an Operator under this section furnishes or otherwise provides the aircraft used for flight training, that Operator is also required to meet the minimum standards for aircraft rental service.

2.09 Single Service Operator – Air Taxi and Charter Service

In addition to section 2.04 any operator desiring to engage in air taxi or charter service must also meet the following requirements:

A. Personnel

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In addition to 1.06D, Operator shall employ a minimum of one FAA certified commercial pilot appropriately rated to conduct air service offered.

B. Aircraft

A minimum of one aircraft capable of carrying four passengers, and equipped for flight under instrument conditions, shall be owned or exclusively leased by the operator.

C. Certification

Operator and all pilots must meet all provisions of FAR Part 135.

D. Ground Transportation Services

The operator may make provisions for the transportation of pilots and passengers of transient General Aviation Aircraft to and from the Operator's facilities across the Airport's Apron areas as a part of his/her business operations. The Operator performing this service with motor vehicles driven on the Airport property shall do so only in strict compliance with any Airport rules and regulations, applicable, federal, state and municipal laws, ordinances, codes, or other similar regulatory measures as may be hereafter added, modified, or amended.

E. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.10 Single Service Operator – Specialized Commercial Flight Services

In addition to section 2.04 any operator desiring to engage in specialized commercial flight services including, but not limited to: banner towing and aerial advertising; aerial photography or survey; fire fighting or fire patrol; power line or pipeline patrol; any other operations specifically excluded from Part 135 of the FAA Regulations must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ one person having a current commercial certificate with appropriate ratings for the aircraft to be flown.

B. Aircraft

A minimum of one properly certified aircraft owned or leased by written agreement.

C. Maintenance

Aircraft must be maintained in accordance with FAA regulations and the manufacturer's maintenance standards.

2.11 Single Service Operator – Avionics, Instruments, and/or Propeller Services

In addition to section 2.04 any operator desiring to provide avionics, instrument, or propeller service must hold the appropriate FAA repair station certificates and ratings for same. The operator must also meet the following requirements:

A. Personnel

In addition to 1.06D, Operator shall employ a minimum of one FAA certified repairman, qualified in terms of the applicable FAA repair station certificate.

2.12 Single Service Operator – Permanent Aerial Applicators

In addition to section 2.04 any Operator must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137. The Operator must also comply with the requirements of the State and Political subdivisions thereof; and also meet the following requirements:

A. Personnel

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In addition to 1.06D, Operator shall employ a minimum of one person holding a current FAA commercial certificate, properly rated for the aircraft to be used, and meeting the requirements of Part 137 of the FAA Regulations and applicable regulations of the State of South Dakota. A copy of their Part 137 certificate, commercial applicators certificate, and pilot certificate shall be file with the City Manager or his/her designee before commencing operations. A review of the South Dakota State Department of Agriculture applicant’s history will also be reviewed for each applicator prior to commencing operations.

B. Aircraft

A minimum of one aircraft meeting all of the requirements of Part 137 of the FAA Regulations and applicable regulations of the State. This aircraft shall be owned or leased by agreement in writing.

C. Facilities

A segregated chemical storage area with secondary containment, protected from the public access, and safety equipment as to comply with the minimum standards as required by all local, city, state and federal regulations and ordinances. All present and future federal and state hazardous material and environmental protection acts and regulations will be complied with.

2.13 Single Service Operator – Temporary Aerial Applicators

In order to be considered a temporary aerial applicator the operator must operate no more than two aircraft at a time. Additionally, the operator may only operate from the airport no longer than 30 consecutive days in one year. Similar to a permanent applicator, the operator must hold an Agricultural Aircraft Operator Certificate issued by the FAA under Part 137. The Operator must also comply with the requirements of the State and Political subdivisions thereof; and also meet the following requirements:

A. Personnel

Same as 2.12A

B. Aircraft

Same as 2.12B

C. Facilities

Operator shall work from an area designated by the City. All present and future federal and state hazardous material and environmental protection acts and regulations will be complied with.

2.14 Self Fueling of Private Aircraft

A person or organization owning aircraft shall be permitted, personally or using the organization’s employees, to fuel their own aircraft. The Aircraft owner is not permitted to contract with an off-airport company to enter upon the airport to refuel his aircraft. Further, the Airport prohibits the use of a “CO-OP” (an organization formed by several aircraft owners for the purpose of self fueling) as a single aircraft owner’s purpose of self fueling. Self fueling operators may not dispense fuel from their privately owned fueling equipment into aircraft not directly owned by the operator. Further, the operator’s fuels may not be sold, given, or ownership otherwise transferred, to other aviation Operators.

The City of Vermillion shall retain the exclusive right to provide all fuel sales on the Airport to other individuals or other organizations.

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All leases that currently allow fuel sales will be grandfathered. The sale of aviation fuel will be terminated when the term of the lease expires, or if the lease is terminated by either the City or lessee.

A flowage fee will be levied on to all fuel sales at the airport. All commercial users selling fuel will be required to report to the City how many gallons of fuel they purchased. The report will be due at the City Finance Office no later than the 5th day of each month. The flowage fee amount will be established by resolution.

2.15 Multiple Commercial Aeronautical Services - LSFBO

A person or organization meeting the Minimum Standards of any two or more aeronautical services described in sections 2.04 through 2.13 of these Minimum Standards may apply for permission to conduct business as a LSFBO. Where more than one activity is proposed, the actual building, land, equipment and personnel requirements may have to exceed the minimum space requirements that would be required for a single service. The City Manager or his/her designee will determine if the proposed structure is adequate in order to ensure that safe and comfortable services are provided for the customer. Actual space requirements will also be dependent upon:

1. The combination and nature of proposed individual commercial services to be operated, and
2. The design and configuration of the proposed building, and
3. The Operator's expansion plans, and
4. The proposed geographic location on the airport, and
5. What has been required of other operators on the airport who provide a similar combination of services?

The LSFBO is prohibited from selling fuel.

A. Leased Space Requirement

Each LSFBO shall operate out of a building located on the airport. The building must be properly heated and lighted and provide adequate space for offices, hangar storage, and maintenance. The building must also be accessible to those requiring service, and to be marked with appropriate external signage. The actual dimensions of the leased area may vary, but they must be adequate for the services being provided. The City Manager or his/her designee will determine the adequacy of the proposed structure at the time the land lease and structure design are being developed.

B. Hours of Operation

Business shall operate during normal working hours (8:00 am to 5:00 pm) and during the work week (Monday through Friday) for at least 20-hours per month. Operators shall provide emergency on-call service during nights, weekends, non-scheduled hours and holidays.

C. Termination or Modification of Multiple Commercial Aeronautical Services

Airport's prime objective in granting permission to conduct commercial services at the airport is to meet the aviation needs of the public. The City Manager or his/her designee reserves the right to immediately terminate the Operator's commercial authority, or reduce the Operator's operating authority to that of a lower operating classification, as detailed in Exhibit A. The City Manager or his/her designee may also terminate the Operator's commercial authority if the Operator reduces its service activities to a level that is less than the required services of the quality and/or if quality of required services deteriorates to a level at which the services fail to meet the operating needs of the aviation public. The Operator may appeal the City Manager's or his/her designee's opinion to the City Council within 30-days.

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SECTION 3 – OFF-AIRPORT CAR RENTAL CONCESSION

Any operator desiring to provide rental cars to the traveling public from an off-airport site and to pick-up and drop-off its customers at the Airport must meet the following minimums:

- A. Fleet Size
Have a car rental fleet of at least two cars. Rental cars must be less than ten years old.
- B. Services
The operator shall furnish good, prompt, and efficient service, adequate to meet all reasonable demands for automobile rental service at the Airport, on a fair and reasonable basis, and to charge prices for such services, in accordance with its usual standards, on a basis substantially similar to that charged for similar size automobiles, within the State of South Dakota.
- C. Vehicle Maintenance
Operator shall maintain rental vehicles in good operative order, free from known or reasonable ascertainable, mechanical or physical defects, and in clean neat and attractive condition, inside and outside.
- D. Operating Hours
Car rental offices shall provide contact information at the terminal building. They will remain on-call and provide a vehicle within 30 minutes from the call being placed.
- E. Phone Services
So long as the operator has a valid agreement with the airport, the operator shall have the privilege of placing a direct line phone to its place of business in the Airport Terminal building in the same manner and to the same extent offered to the public by the Airport or its advertising agent.
- F. Car Drop-off/Parking
Operator is not authorized to drop off rental cars at the Airport for customers. Operator must perform all paperwork and the transfer of all vehicles at the Operator's place of business.
- G. Personnel
In addition to 1.06D, Operator's employees shall be neat, clean, and courteous. Operator shall not permit its agents, servants, or employees to conduct business in a loud, noisy, boisterous, offensive, or objectionable manner, or to solicit business on the Airport except through the use of signs as herein above set forth.

SECTION 4 – PENALTIES FOR FAILURE TO MAINTAIN COMPLIANCE

4.01 Failure to Comply with Minimum Standards

All persons upon Airport property, except those whose presence is specifically authorized and/or mandated by federal or state law, shall be considered as business invitees or guests of the Airport. In the event a failure to maintain compliance with any of these minimum Standards, the authorization of any and all commercial activities may be terminated by the City Manager or his/her designee. The Operator may appeal the City Manager's or his/her designee's decision to the City Council within 30-days.

4.02 Termination of Lease

The Airport, at its discretion, reserves the right to terminate the lease of any tenant found to be in violation of the Minimum Standards.

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4.03 Civil Remedy or Criminal Prosecution

The Airport, in its discretion, reserves the right to commence any civil action or suit or file a complaint for criminal prosecution against any person or persons violating any Minimum Standard which cause injury or damage to person or property of if such violation appears to constitute the commission of a criminal act.

4.04 Liability for Fines

Any person whose act, or failure to act, results in a fine or penalty being assessed against the Airport or by any governmental agency having jurisdiction including security, safety, and environmental, or the FAA shall be fully liable for the payment or reimbursement of such fine or penalty in addition to the costs associated with the restitution, repair, or clean-up of conditions resulting from such violations.

SECTION 5 – FEES

The City Council will establish fees by resolution.

This document replaces all previous versions of the Harold Davidson Field Airport Minimum Standards for Operators of Commercial Activities, effective as of the date below. All changes to this document shall be made by an approved motion of the City of Vermillion City Council.



John E. (Jack) Powell, Mayor

Date: 3-3-14



Michael D. Carlson, City Finance Officer

