

## **NOTICE OF PROPOSED GUIDANCE DOCUMENT**

DTIMBOA41

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DTIMBOA41, a proposed guidance document.

### **PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION**

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DTIMBOA41>

2. Mailing written comments to:

Division of Transportation Investment Management  
Wisconsin Department of Transportation  
4822 Madison Yards Way  
PO Box 7913  
Madison, WI 53707-7913

### **WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT**

The final version of this guidance document will be posted at [wisconsin.dot.gov](http://wisconsin.dot.gov) to allow for ongoing comment.

### **AGENCY CONTACT**

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## CHAPTER 14

### AIRPORT AERONAUTICAL SERVICES

**14.01 PREAMBLE.** The Airport and Parks Committee of the Door County Board of Supervisors, being in a position of responsibility for the administration of the Door County Cherryland Airport, Door County, Wisconsin, and

In order to insure adequate aeronautical services and facilities to the user of the Door County Cherryland Airport, and

To encourage the development of the Door County Cherryland Airport and its activity, and

To foster the economic health and orderly development of commercial aeronautical operators at the Door County Cherryland Airport, proposed the following regulations which are adopted by the Door County Board of Supervisors. These regulations include:

- (a) The minimum standards for a person or persons, firm or corporation based upon and engaging in one or more aeronautical services at the Door County Cherryland Airport, Door County, Wisconsin. (Section 14. 02 through 14. 11)
- (b) Lease clauses which shall be included in all leases between Door County Airport and Parks Committee and any person or persons, firm or corporation desiring to be based upon the Door County Cherryland Airport, Door County, Wisconsin, and engage thereon in any aeronautical service. (Section 14. 12)

#### **14. 02 AIRCRAFT SALES.**

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

(b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10, 000 square feet of ground space to provide for outside display and storage of aircraft and on which shall be erected a building to provide at least 3, 600 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least 5 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall provide necessary and satisfactory arrangements for repair and servicing of aircraft, but only for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with a repair shop operator at the Door County Cherryland Airport. The Operator shall provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted. The Operator who is engaged in the business of selling new aircraft shall have available or on call at least one single engine demonstrator.
3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:

- A. Aircraft Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Passenger Liability: \$100,000 each passenger, each accident. Property Damage: \$300,000 each accident.
  - B. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
4. The Operator shall have his premises open and services available 8 hours daily, 5 days a week.
  5. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in an efficient manner, but never less than one person having a current, effective commercial pilot certificate with single engine rating and instructor rating.  
 The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

**14.03 AIRFRAME AND POWER PLANT REPAIR FACILITIES.**

- (a) Statement of Concept. An aircraft engine and airframe maintenance and repair operator is a person or persons, firm or corporation providing one or a combination of airframe and power plant repair service, but with at least one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed. This category of aeronautical services shall also include the sale of aircraft parts and accessories, but such is not an exclusive right.
- (b) Minimum Standards.
  1. The Operator shall lease from County of Door an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 3,600 square feet of floor space for airframe and power plant repair services including a segregated painting area, all meeting with local and state industrial code requirements, and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.  
 The Operator shall provide auto parking space within the leased area to accommodate at least five automobiles.  
 The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.  
 The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.
  2. The Operator shall provide sufficient equipment, supplies, and availability of parts equivalent to that required for certification by the Federal Aviation Administration as an approved repair station.
  3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
    - A. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person; \$300,000 each accident. Property Damage: \$300,000 each accident.
    - B. Hangar Keepers Liability: \$ \_\_\_\_\_ each accident.
    - C. Products Liability: \$ \_\_\_\_\_ each accident.
  4. The Operator shall have his premises open and services available 8 hours daily, 5 days each week.
  5. The Operator shall have in his employ, and on duty during the appropriate business

hours, trained personnel in such numbers as are required to meet the minimum standards set aircraft forth in this category of services in an efficient manner, but never less than one person currently certificated by the Federal Aviation Administration with ratings appropriate to the work being performed and who holds an airframe, power plant or an inspector rating, and one other person not necessarily rated.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

#### **14.04 AIRCRAFT RENTAL.**

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

(b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space and on which shall be erected a building to provide at least 3,600 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least 5 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall have available for rental, either owned or under written lease to Operator, not less than two certified and currently airworthy aircraft, at least one of which must be a four-place aircraft, and at least one of which must be equipped for and capable of flight under instrument conditions.
3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Aircraft Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - B. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - C. Student and Renters' Liability: \$100 000 each accident.
4. The Operator shall have his premises open and services available 8 hours daily, 6 days a week.
5. The Operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards in an efficient manner, but never less than one person having a current commercial pilot certificate with appropriate ratings, including instructor rating. The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

#### **14.05 FLIGHT TRAINING.**

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

(b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space and on which shall be erected a building to provide at least 3,600 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, classroom, briefing room, pilot lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least 5 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall have available for use in flight training, either owned or under written lease to Operator, not less than two properly certificated aircraft, at least one of which must be a four-place aircraft, and at least one of which must be equipped for and capable of use in instrument flight instruction.
3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Aircraft Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - B. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - C. Student and Renters' Liability: \$100,000 each accident.
4. The Operator shall have his premises open and services available 8 hours daily, 6 days a week.
5. The Operator shall have on a full-time basis at least one flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall have available for call on a part-time basis at least one flight instructor who has been properly certificated by the Federal Aviation Administration to provide the type of training offered.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

#### **14.06 AIRCRAFT FUELS AND OIL DISPENSING SERVICE.**

- (a) Statement of Concept. Line services shall include the sale and into-plane delivery of recognized brands of aviation fuels, lubricants, and other related aviation petroleum products. The Operator shall provide servicing of aircraft, including ramp assistance and the parking, storage, and tie-down of aircraft within the leased area.

- (b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space and at least 200 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least two automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall provide at least two 10,000 gallon fuel storage tanks at the Door

County Cherryland Airport and maintain an adequate supply of fuel on hand at all times of at least two grades of fuel as closely related as possible to the popular demand of the general aviation users of the Airport. The Operator shall provide at least two metered filter-equipped dispensers, fixed or mobile, for dispensing the minimum requirement of two grades of fuel. Separate dispensing pumps and meters are required for each grade of fuel.

The Operator shall provide such minor repair service that does not require a certificated mechanical rating, and cabin services to general aviation aircraft as can be performed efficiently on the ramp or apron parking area, but only within the premises leased to the Operator.

The Operator shall make provision for the transportation of pilots and passengers of transient general aviation aircraft using the Operator's facilities and services from and to the Operator's office and the Door County Cherryland Airport terminal area.

The Operator shall procure and maintain tools, jacks, towing equipment, tire repairing equipment, energizers and starters, heaters, oxygen supplies, fire extinguishers, and passenger loading steps as appropriate and necessary for the servicing of general aviation aircraft using the Airport. All equipment shall be maintained and operated in accordance with local and state industrial codes.

3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - B. Hangar Keepers Liability: \$                      each accident.
  - C. Products Liability: \$                      each accident.
  - D. Motor Vehicle Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$100,000 each accident.
4. The Operator shall have his premises open for aircraft fueling and oil dispensing service 7 days a week. The Operator shall make provision for such service during 24 hours on a call basis.
5. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category of services in an efficient manner.
6. The Operator shall make provisions for someone to be in attendance in the office at all times during the required operating hours.
7. Where the Operator desires to dispense jet fuel only, only one 10, 000 fuel storage tank, one dispensing unit and one grade of fuel shall be required.

**14.07 RADIO, INSTRUMENT, OR PROPELLER REPAIR STATION.**

(a) Statement of Concept. A radio, instrument, or propeller repair station operator is a person or persons, firm, or corporation engaged in the business of and providing a shop for the repair of aircraft radios, propellers, instruments, and accessories for general aviation aircraft. This category shall include the sale of new or used aircraft radios, propellers, instruments, and accessories, but such is not an exclusive right. The Operator shall hold the appropriate repair shop certificates issued by FAA.

(b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 3,600 square feet of floor space to hangar at least one aircraft, to house all equipment, and to provide an office, shop, customer lounge and rest rooms, all properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area, and shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
  - B. Hangar Keepers Liability: \$                      each accident.
  - C. Products Liability: \$                      each accident.
3. The Operator shall have his premises open and services available 8 hours daily, 5 days each week.
4. The Operator shall have in his employ and on duty during the appropriate business hours trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than one person who is a Federal Aviation Administration rated radio instrument or propeller repairman and one other repairman who need not be rated by the Federal Aviation Administration.

**14.08 AIRCRAFT CHARTER AND AIR TAXI.**

(a) Statement of Concept. An aircraft charter and an air taxi operator is a person or persons, firm, or corporation engaged in the business of providing air transportation (persons or property) to the general public for hire, either on a charter basis (commercial operation) or as an air taxi operator, as defined in the Federal Aviation Act.

(b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 3,600 square feet of floor space for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

The Operator shall provide auto parking space within the leased area to accommodate at least 5 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall provide, either owned or under written lease to Operator, not less than one single-engine four-place aircraft and one multi-engine aircraft, both of which must meet the requirements of the air taxi commercial operator certificate held by the Operator, including instrument operations.
3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Aircraft Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Passenger Liability: \$100,000 each passenger, each accident. Property Damage: \$300,000 each accident.
  - B. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
4. The Operator shall have his premises open and services available 8 hours daily, 6 days per week. The Operator shall provide on-call service during hours other than the aforementioned.

5. The Operator shall have in his employ and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards set forth in this category in an efficient manner but never less than at least one Federal Aviation Administration certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by Operator.

The Operator shall make provision for someone to be in attendance in the office at all times during the required operating hours.

#### **14. 09 SPECIALIZED COMMERCIAL FLYING SERVICES.**

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

1. Nonstop sightseeing flights that begin and end at the same airport.
2. Crop dusting, seeding, spraying, and bird chasing.
3. Banner towing and aerial advertising.
4. Aerial photography or survey.
5. Fire fighting.
6. Power line or pipe line patrol.
7. Any other operations specifically excluded from Part 135 of the Federal Aviation Regulations.

- (b) Minimum Standards.

1. The Operator shall lease from Door County an area of not less than 10,000 square feet of ground space on which shall be erected a building to provide at least 3,600 square feet of floor space for aircraft and other storage and at least 500 square feet of floor space for office and rest rooms, which shall be properly heated and lighted; and shall provide telephone facilities for customer use.

In the case of crop dusting, aerial application, or other commercial use of chemicals, Operator shall provide a centrally drained, paved area of not less than 3,600 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical materials. Such facilities will be in a location on the Door County Cherryland Airport which will provide the greatest safeguard to the public.

The Operator shall provide auto parking space within the leased area to accommodate at least 5 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

2. The Operator shall provide and have based on his leasehold, either owned or under written lease to Operator, not less than one aircraft which will be airworthy, meeting all the requirements of the Federal Aviation Administration and applicable regulations of the State of Wisconsin with respect to the type of operations to be performed.

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

3. The Operator performing the services under this category will be required to carry the following types of insurance in the limits specified:
  - A. Aircraft Liability: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Passenger Liability: \$100,000 each passenger, each accident. Property Damage: \$300,000 each accident.



- B. Comprehensive Public Liability and Comprehensive Property Damage: Bodily Injury (each accident): \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.
- C. Products Liability: \$                      each accident.  
When applicable.

- 4. The Operator must provide, by means of an office or a telephone, a point of contact for the public desiring to utilize Operator's services.
- 5. The Operator shall have in his employ, and on duty during appropriate business hours, trained personnel in such numbers as may be required to meet the minimum standards herein set forth in an efficient manner, but never less than one person holding a current Federal Aviation Administration commercial certificate, properly rated for the aircraft to be used and the type of operation to be performed and one other person to assist in the loading and servicing of aircraft.

**14. 10 MULTIPLE SERVICES.**

(a) Statement of Concept. A multiple services operator shall be one who engages in any two or more of the aeronautical services for which minimum standards have been hereinbefore provided.

(b) Minimum Standards (Combinations not including Fuels and Oil Dispensing Service).

- 1. The Operator shall lease from Door County an area not less than 10,000 square feet of ground space for aircraft storage, parking and other use in accordance with the services to be offered, and on which shall be erected a building to provide at least 3,600 square feet for aircraft storage and at least 500 square feet of floor space for office, customer lounge and rest rooms, which shall be properly heated and lighted, and shall provide telephone facilities for customer use.

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

If crop dusting, aerial application, or other commercial use of chemicals are part of the multiple services offered, the Operator shall provide a centrally drained, paved area of not less than 2, 500 square feet for aircraft loading, washing and servicing. Operator shall also provide for the safe storage and containment of noxious chemical matters. Such facilities will be in a location on the Door County Cherryland Airport which will provide the greatest safeguard to the public.

The Operator shall provide auto parking space within the leased area to accommodate at least 10 automobiles.

The Operator shall provide a paved walkway within the leased area to accommodate pedestrian access to the Operator's office.

The Operator shall provide a paved aircraft apron within the leased area to accommodate aircraft movement from the Operator's building to the taxiway or the access to the taxiway that has been or will be provided for the Operator.

- 2. The Operator shall comply with the aircraft requirements, including the equipment thereon, for each aeronautical service to be performed except as hereinafter provided.

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

The Operator, except if he is performing combinations of multiple services for which aircraft are not required, shall have available and based at the Door County Cherryland Airport, either owned by Operator or under written lease to Operator, not less than two certified and currently airworthy aircraft. These aircraft shall be equipped and capable of flight to meet the minimum standards as hereinbefore provided for each aeronautical service to be performed.

The Operator shall provide the equipment and services required to meet the minimum standards as hereinbefore provided for each aeronautical service the Operator is performing.

3. The Operator shall obtain, as a minimum, that insurance coverage which is equal to the highest individual insurance requirement of all the aeronautical services being performed by Operator.
4. The Operator shall adhere to the hours of operation required for each aeronautical service being performed.
5. The Operator shall have in his employ, and on duty during the appropriate business hours, trained personnel in such numbers as are required to meet the minimum standards for each aeronautical service Operator is performing as hereinbefore provided. Multiple responsibilities may be assigned to meet the personnel requirements for each aeronautical service being performed by the Operator, except such multiple responsibilities may not be assigned to the Federal Aviation Administration certificated repair stations.

**14. 11 GENERAL REQUIREMENTS.**

(a) Buildings.

1. The minimum space requirements as hereinbefore provided shall be satisfied with one building, attached buildings, or separate buildings.
2. The hangar building shall have at least one door with the following minimum dimensions:

Floor Space of Hanger Building	Door Width Clear Area	Door Height Clear Area
Under 2,500 square feet	40 feet	12 feet
2,500 - 4,000 square feet	58 feet	12 feet
Over 4,000 square feet	58 feet	15 feet

- (b) All personnel hereinbefore required to hold Federal Aviation Administration certificates and ratings shall maintain such certificates and ratings.

**14. 12 MANDATORY LEASE CLAUSES FOR AIRPORTS RECEIVING FEDERAL AIRPORT AID.** The following lease clauses shall be included in all leases between Door County Property Committee and any person, firm or corporation engaging in aeronautical services at the Door County Cherryland Airport:

- (a) Fair and Nondiscriminatory Services. Lessee in the conduct of its authorized aeronautical business activities on said demised premises and on said Airport, shall furnish good, prompt and efficient service adequate to meet the demands for its service at the Airport, and shall furnish such service on a fair, equal and not unjustly discriminatory basis to all users thereof, and shall charge fair, reasonable and not unjustly discriminatory prices for each unit of sale or service; provided, however, that lessee shall be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- (b) Title VI, Civil Rights Assurances. The lessee, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities; (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination; (3) that the lessee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A. Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

- (c) Aircraft Service by Owner or Operator of Aircraft. It is clearly understood by the lessee that no right or privilege has been granted which would operate to prevent any person, firm, or corporation operating aircraft on the Airport from performing any services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.
- (d) Non-exclusive Rights Clause. Lessee shall have the right and privilege of engaging in and conducting a business on the premises of said Airport under the terms and conditions as set forth hereinafter; provided, however, that this agreement shall not be construed in any manner to grant lessee or those claiming under it the exclusive right to the use of the premises and facilities of said Airport other than those premises leased exclusively to lessee hereunder.

**14.13 RECOMMENDED LEASE CLAUSES.** The following lease clauses are recommended for inclusion in any lease between the Airport and Parks Committee and any lessee providing services at the Door County Cherryland Airport:

- (a) Development of Door County Cherryland Airport Clause. Lessor reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or view of the lessee, and without interference or hindrance. If the physical development of the Airport requires the relocation of the lessee, the lessor agrees to provide a comparable location and agrees to relocate all buildings or provide similar facilities for the lessee at no cost to the lessee.
- (b) Lessor's Rights Clause. Lessor reserves the right, but shall not be obligated to lessee, to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of lessee in this regard.
- (c) War or National Emergency. During the time of war or national emergency lessor shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government, shall be suspended.
- (d) Obstruction at Door County Cherryland Airport. Lessor reserves the right to take any action it considers necessary to protect the aerial approaches of the Airport against obstruction, together with the right to prevent lessee from erecting, or permitting to be erected, any building or other structure on the Airport which, in the opinion of the lessor, would limit the usefulness of the Airport or constitute a hazard to aircraft.
- (e) Subordination Clause. This lease shall be subordinate to the provisions of any existing or future agreement between lessor and the United States, or between lessor and the State of Wisconsin, relative to the operation or maintenance of the Airport, or related facilities, the execution of which has been or may be required as a condition precedent to the expenditure of federal or state funds for the development of the Airport.
- (f) General Lease Provisions
  1. All agreements between Door County and an operator covering the performance by an operator of any aeronautical service as hereinbefore provided shall be in writing.
  2. Lessee shall provide a performance bond insuring the completion of the building to be erected on the leasehold.
  3. Lessee shall furnish such evidence as may be reasonably requested by Door County Airport and Park's Committee to show the lessee is financially capable of providing the services and facilities set forth in the lease.

**14.14 LEASE PROPOSAL REQUIREMENTS.** The Airport and Parks Committee will not accept an original request to lease land area at the Door County Cherryland Airport unless the request is a written proposal which sets forth the scope of operation to be performed and shall include the following:

1. The services to be offered.

2. The amount of land to be leased.
3. The building space to be constructed or leased.
4. The number of aircraft to be provided.
5. The number of persons to be employed.
6. The hours of proposed operation.
7. The number and types of insurance coverage to be maintained.
8. Evidence of financial capability to perform and provide the proposed services and facilities.

**14.15 FLYING CLUBS.** The following requirements pertain to all flying clubs desiring to base their aircraft on the Airport and be exempt from the minimum standards:

- (a) Flying Club Organizations. Each club must be a non-profit Wisconsin corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance, and replacement of its aircraft. The club will file and keep current with the Airport owner a complete list of the club's membership and investment share held by each member.
- (b) Aircraft. The club's aircraft will not be used by other than bona fide members for rental and by no one for hire, charter, or air taxi. Student instruction can be given by a lessee based on the Airport who provides flight training.
- (c) Violations. In the event that the club fails to comply with these conditions, the Airport owner will notify the club in writing of such violations. If the club fails to correct the violations in 15 days, the Airport owner may take any action deemed advisable by the Owner.
- (d) Insurance. Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts:

Aircraft Liability: Bodily Injury: \$100,000 each person, \$300,000 each accident. Property Damage: \$300,000 each accident.

(Chapter 14 is from Ord. No. 12-79, adopted 3/22/79)