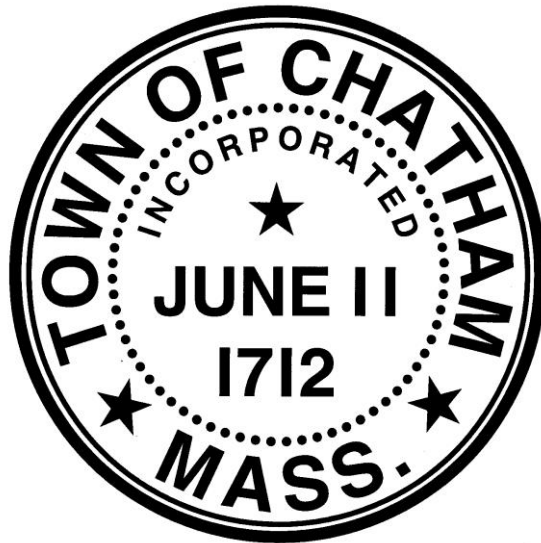


Chatham Municipal Airport

Minimum Standards for Commercial Activities



Chatham Airport Commission

October 11, 2023

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SECTION A – Purposes and General Information

The Chatham Airport Commission ("Commission") recognizes its responsibility to the Town of Chatham ("Town"), Airport users and the general public to conduct and operate the airport with prudence and sound judgment.

The Chatham Municipal Airport's ("Airport") Minimum Standards serve to promote safety and efficiency in all activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for all airport users, promote the orderly development of airport land, ensure efficiency of operations, and promote environmental sustainability in Airport operations to the extent practicable and consistent with federal, state and local laws.

Any person or entity engaging in Commercial Activities at the airport will be required to comply with these Minimum Standards, as well as all applicable Federal, Commonwealth, and local laws, and other regulatory measures pertaining to such activities.

All applicants performing Commercial Activities at the Airport shall be accorded a fair and reasonable opportunity, without unlawful discrimination, to qualify and to compete to occupy available facilities at the Airport and to provide those activities.

The granting of rights and privileges to engage in Commercial Activities shall not be construed in any manner as affording a Commercial Operator exclusive right of use of the premises and/or facilities at the Airport, other than those premises which may be leased exclusively to Commercial Operators, and then only to the extent provided in a written lease, license, and/or permit.

The Commission reserves the right to designate specific areas on the Airport in accordance with the current Airport Layout Plan ("ALP") for the Airport. Such designation shall consider the nature and extent of the operation, the land and improvements available for such purpose, and shall be consistent with the orderly and safe operation of the Airport.

The Commission may, upon written application, grant exemptions to the application of these Minimum Standards, when satisfied, after an examination of the circumstances supporting the request for an exemption, that the public interest will be better served by granting such an exemption.

Requests for proposals (RFPs) and other competitive bid solicitations for the provision of Commercial Activities may be issued by the Commission at any time, including in response to an application submitted in accordance with these Minimum Standards if the Commission determines that a competitive solicitation is necessary for compliance with the Commission's federal grant assurances or will otherwise be in the best interests of the Airport. RFPs and other competitive bid solicitations may have their own informational requirements that may supplement or replace those found in these Minimum Standards.

These Minimum Standards may be supplemented, amended, or modified by the Commission from time to time, and in such manner and extent as is deemed appropriate by the Commission.

SECTION B – Definitions

Agreement: A written, legally enforceable contract between the Commission, Airport Manager, and another Entity concerning access to and use of the Airport, including Leases and Licenses.

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Airport Manager: The official appointed by the Commission to manage, the daily operations of the Airport per Massachusetts Aeronautics Commission regulation 702 CMR 5.04.

Chatham Municipal Airport ("Airport"): The runways, taxiways, buildings, and adjacent fenced areas designated on the current ALP for the Airport formally approved by the Federal Aviation Administration ("FAA").

Commercial Activity: An activity with the intent to generate or secure earnings, income, compensation (including exchange or barter of goods and services), or profit, whether or not such objectives are accomplished. The following activities are defined as "Commercial Activities" for purposes of these Minimum Standards:

- Air charter operations
- Flight training
- Aircraft rental and leasing
- Aerial sightseeing
- Aerial photography
- Aircraft sales
- Aircraft service
- Aerial advertising and surveying
- Commercial skydiving
- Any other activity, when designated by the Commission, that is appropriately regarded as directly related to the operation of aircraft or of the Airport.

Commercial Operator: An Entity conducting a Commercial Activity at the Airport pursuant to a Lease, License, or Agreement with the Commission and the Airport Manager.

Commission: The Chatham Airport Commission (officials appointed by the Board of Selectmen of the Town of Chatham) acts for the Town regarding Airport issues per G.L. c. 90, § 51E.

Entity: A natural person, partnership, corporation, organization, or business that has a legal and separately identifiable existence

Environmental Laws means all existing and future federal, state, and local laws and permits, including without limitation the Airport Rules and Regulations and all other statutes, ordinances, rules, orders and regulations relating to protection of the environment, wildlife, public health or public safety.

Fixed Base Operator ("FBO"): An entity, excluding air carriers certificated as such by the FAA, which is performing services, sales or manufacturing under provisions of contracts or leases with the Commission, the Town, and/or under pertinent Federal Air Regulations.

Hazard: Hazards are obstructions to safe use of the Airport or navigable airspace.

Lease: An Agreement that establishes a tenancy on the Airport.

License: An Agreement that grants or otherwise authorizes the use of land or building space to conduct a specified Commercial Activity.

Minimum Standards: The provisions established by the Commission as the minimum requirements to be met for the privilege of conducting a Commercial Activity on the Airport.

Tenant: An entity that enters into a written Agreement with the Commission and the Airport Manager for the purpose of engaging in a business or other authorized occupancy on Airport premises. An Airport tenant accepts facilities on Airport premises on an "as is" basis.

Town: The Town of Chatham, MA, a town located in Barnstable County, Massachusetts, and various properties and facilities that it owns and governs, which includes the Airport.

SECTION C – General Policy

1. Effect: These Minimum Standards shall supersede all previous Minimum Standards for operation and use of the Chatham Municipal Airport by all persons and entities.
2. Amendment: The Commission reserves the right to make any additions, deletions, or corrections to these Minimum Standards that it may consider necessary for the safe operation of the Airport.
3. Conflicts: In any instance in which these Minimum Standards may be or become inconsistent with local, state, or federal law, regulation or bylaw then such law, regulation or bylaw shall supersede the Minimum Standards. No part of these Minimum Standards shall be construed as license or authorization to deviate from Federal Aviation Regulations.
4. Authority: The Minimum Standards are promulgated by the Commission under FAA AC No: 150/5190-7, Minimum Standards for Commercial Activities.
5. Safety: It is the policy of the Town in conjunction with the Commission and Airport Manager to operate the Airport for the use and benefit of the public in a safe and serviceable manner and to minimize hazards to aircraft and persons using the Airport.
6. Responsibility for Knowledge of Minimum Standards: All Entities licensed to do business or conduct operations of any kind on the Airport shall keep a current copy of these Minimum Standards in its office or place of business and make it available to all persons. Further, it shall be the responsibility of each such Entity to fully acquaint his or her clients and/or employees with these Minimum Standards including but not limited to noise abatement, safety, and standard operational procedures. Failure to abide by these Minimum Standards shall be subject to timely review by the Commission.
7. Indemnity Obligation: General. A Commercial Operator shall, by virtue of applying for a permit to conduct a Commercial Activity at the Airport, agree to defend, indemnify, save, protect, and hold harmless the Commission and the Town, individually and collectively, and their representatives, officers, officials, employees, agents, and volunteers from any and all claims, demands, damages, fines, obligations, suits, judgments, penalties, causes of action, losses, liabilities, administrative proceedings, arbitration, or costs at any time received, incurred, or accrued by the Town or the Commission, individually and collectively, and their representatives, officers, officials, employees, agents, and volunteers as a result of, or arising out of the Commercial Operator's actions or inaction. In the event a party indemnified hereunder is in part responsible for the loss, the indemnitor shall not be relieved of the obligation to indemnify; however, in such a case, liability shall be shared in accordance with Massachusetts principles of comparative fault.
8. Indemnity Obligation: Environmental. A Commercial Operator shall, by virtue of applying for a permit to conduct a Commercial Activity at the Airport, shall also accept total responsibility, indemnify, and hold harmless the Town and the Commission, individually and collectively, and their representatives, officers, officials, employees, agents, and volunteers in the event of an environmental contaminating accident or incident caused by the Commercial Operator, its employees, its vendors or any other personnel used by the Commercial Operator to maintain Operator's facilities, Vehicles, Equipment, or Aircraft.

SECTION D – Commercial Aviation Operations

1. General Requirements

- a) No Entity shall engage in a Commercial Activity on Airport grounds without first complying with the Minimum Standards. Prior to beginning any Commercial Activity, an Entity shall have obtained the consent from the Airport Manager and the Commission for their proposed venture.
- b) Prior to commencing operations, a Commercial Operator shall have obtained all permits and licenses as required by local, state, and federal agencies, and the Commercial Operator shall have a signed Agreement as prescribed by the Commission that states the detailed requirements for conducting business on the Airport.
- c) All Commercial Operators shall be required to maintain their leased property in a condition of repair, cleanliness and general maintenance in a manner acceptable to the Commission and Airport Manager in accordance with their Agreements and free from all Hazards.
- d) Commercial Operators shall notify the Commission and Airport Manager for approval of any changes, improvements, additions, or removals to or from any real property, appurtenances, or signs thereon prior to making any such changes.
- e) All Commercial Operators shall supply and maintain such adequate and readily accessible fire extinguishers and other fire suppression, or life safety equipment as are required and approved by the Chatham Fire Department, Commonwealth of Massachusetts, and the FAA, provided however, that no Commercial Operator shall store or use Aqueous Film Forming Foams (AFFFs) or any other substance containing per- or polyfluoroalkyl substances (PFAS) may be stored by any Entity at the Airport without the prior written consent of the Commission, which Consent may be withheld in the Commission's sole discretion.
- f) All Commercial Operators shall be fully responsible for all damages to buildings, equipment, real property, and appurtenances owned or controlled by the Airport, normal wear and tear excepted. Property damage caused by negligence, abuse, or carelessness on the part of their employees, agents, customers, visitors, suppliers or persons with whom the Commercial Operator may do business will be the responsibility of the Commercial Operator.

2. Application for a License to Conduct Commercial Activity

a) Basic Information

An Applicant for a license to conduct Commercial Activity at the Airport must submit a written application to the Commission and Airport Manager providing the following information and any such additional information as may be requested:

- i. The name, address, and telephone number of the Applicant. If the Applicant is a corporation, provide the name, address, and telephone numbers of the corporation's major officers. If the Applicant is a partnership, provide the name, address, and telephone numbers of the major partners.

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- ii. The requested or proposed date for commencement of the Commercial Activity and the proposed duration for conducting the same.
 - iii. A comprehensive listing of all services proposed to be offered on or from the Airport.
 - iv. A map, to scale, of the amount, configuration, and location of the land requested or desired to be constructed or leased.
 - v. The size and position of any building(s) to be constructed or leased for the purpose of office space, hangar space, or public access; the proposed design and terms for the construction of such additional space; and the ownership, leasing, or sub-leasing thereof. An identification of any necessary or desirable capital improvements to be constructed in conjunction with the operation and the Applicant's proposal for financing the same.
 - vi. The number, type(s), and basing of aircraft to be provided or maintained and a detailed description of all equipment and facilities.
 - vii. The number of persons to be employed and certifications required, if any.
 - viii. The hours of the proposed operation.
- b) Financial and Managerial Responsibility and Capability
- i. The Applicant must provide a statement, satisfactory to the Commission and the Airport Manager as evidence of its financial responsibility.
 - ii. The Applicant must demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry on the contemplated operations.
 - iii. The Applicant must provide evidence of technical capability to perform the proposed services. Statements of past experience in the specified aviation services proposed to be provided at the Airport together with a statement setting forth personnel to be used for the operations and experience of said personnel. Resumés/curriculum vitae of key staff should be included.

3. Approval of Commercial Activity Application

The Commission may deny an application for one or more of the following reasons:

- a) The proposed business does not conform to the Airport Master Plan or is inconsistent with the ALP or will create a safety hazard as determined by the Commission or the FAA.
- b) The proposed Commercial Activity requires the Commission to spend funds or to supply materials or resources that the Commission is either unable or unwilling to spend or supply or will otherwise result in a financial loss to the Commission.
- c) There is no space or building on the Airport grounds that will reasonably accommodate the applicant at the time they file their application, or the development or use of the area requested by the Applicant will result in undue interference with the operations of any other Commercial Operator on the Airport.
- d) The Applicant has been convicted of any felony.
- e) The Applicant is currently in default, or has been in default in the past, in the performance of any lease, license or other Agreement or operating permit with the Commission or another airport owner or operator.

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- f) Upon examination of the Applicant's business plan, financial plan, and credit report that the Applicant is unlikely to be able to continue to meet the Minimum Standards prescribed herein throughout the term of a Lease, License, or Agreement, including the payment of rates and charges.
- g) The Applicant cannot provide applicable insurance in the amounts and types required by the Commission.
- h) The Applicant has, either intentionally supplied the Commission and the Airport Manager with false or misleading information or has failed to make full disclosure in its application or supporting documents.

4. Subleasing and Assignment

No sublease or assignment of any Agreement, Lease, or License shall be permitted without written approval by the Commission.

- a) Subleasing: Commercial Operators may sublease space to another Entity to perform one or more Commercial Activities, if all of the following conditions are met.
 - i. The subleasing party must obtain approval to operate at the Airport.
 - ii. The Commercial Operator must carry liability insurance for its sublessee or provide a certificate of insurance which shows the lessee and the Commission and Airport Manager as additional insured, in amounts commensurate with the services provided by the sublessee.
- b) Assignment: Prior to granting consent for any assignment, the Commission may require the prospective assignee to complete an application or submit the information prescribed in Section D, #2 (Application) hereof. The Commission may reject the request to assign the Agreement based on the factors enumerated in Section D.3.

5. Notification of Changes

The Commercial Operator must provide the Commission with any information reflecting a material change in the information submitted in an application.

SECTION E – Special Requirements

Additional Minimum Standard Requirements for specific Commercial Aviation Operations:

1. Flight Operations

- a) Air Taxi, FAR Part 135 Charter - A Flight operator engaged in flight operations will be expected to provide:
 - i. A well-lighted and heated office and reception room area of at least 200 square feet, leased or owned, on airport property. This area is to be located within walking distance of the aircraft.
 - ii. A telephone listed under the company name.
 - iii. Premises Liability insurance of \$1,000,000 combined single limit bodily injury and property damage and Commercial aircraft liability insurance of \$1,000,000 combined single limit bodily injury and property damage with \$100,000 minimum per passenger also naming the Town of Chatham Commission as additional insured.

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- iv. An ongoing demonstrated ability to meet certification requirements of FAA, Commonwealth, and local authorities.
- v. At least one licensed airworthy aircraft for Part 135 charter operations.
- vi. Suitable tie-down or hangar space for all company aircraft.
- vii. A documented program for educating all pilots of the noise abatement, safety procedures and Rules and Regulations at the Airport.

2. Flight Instruction, Aircraft Rental, Sales, Sightseeing Flights

For all flight operations using aircraft (rented, leased, lease backed or owned), the Commercial Operator will be expected to provide the following:

- a) A well-lighted and heated office and classroom of at least 200 square feet, leased or owned, on airport property to be located within walking distance of the aircraft,
- b) Suitable tie-down or hangar space for all company aircraft.
- c) A minimum of one (1) aircraft for flight instruction.
- d) A telephone listed under the company name and attended during normal business hours.
- e) An ongoing demonstrated ability to meet certification requirements of the FAA, the Commonwealth and local authorities.
- f) Premises Liability insurance of \$1,000,000 combined single limit bodily injury and property damage; Commercial aircraft liability insurance of \$1,000,000 combined single limit; bodily injury and property damage for all aircraft owned, leased, leased backed or rented with \$100,000 minimum per passenger, also naming the Town of Chatham, Commission and Airport Manager as named additional insured.
- g) A documented program for educating all students and instructor pilots of the noise abatement, safety procedures and Rules and Regulations at the Airport.

Transient Flight Operators may not advertise or operate out of the Airport as a point-of-origin for flight instruction without first complying with these minimum standards.

3. Ground Operations, Aircraft Service, Avionics Service

A Commercial Operator engaged in Ground Operations will be expected to provide:

- a) A well-lighted and heated waiting room and hangar space leased or owned, on airport property. This area is to be located within walking distance of the aircraft.
- b) A listed telephone number under the company name attended during normal business hours.
- c) Liability insurance of at least \$ 1,000,000 naming the Town of Chatham, the Commission and the Airport Manager as named additional insured.
- d) At least one (1) full-time licensed mechanics on duty during normal business hours, five days a week.
- e) A Storm Water Pollution Prevention and Hazardous Spill Prevention/Clean-up plan.
- f) A plan approved by the Chatham Fire Department and the Airport Manager for the storage and removal of any and all harmful waste aircraft fluids or cleaning material.

4. Fuel Storage and Dispensing

The Commission reserves the exclusive right to sell all aviation and motor fuels on the Airport unless delegated to a Commercial Operator under contract.

5. Unique Services

An FBO providing aerial photography, advertising, or surveying, must provide:

- a) A well-lighted and heated office of at least 200 square feet, leased or owned, on airport property. This area is to be located within walking distance of the aircraft.
- b) Must show proof that they are licensed and/or authorized to do business in the Commonwealth of Massachusetts.
- c) Listed telephone number under the company name manned during normal business hours,
- d) Premise Liability insurance or \$1,000,000 combined single limit bodily injury and property damage and Commercial aircraft liability insurance of \$1,000,000; combined single limit bodily injury and property damage with \$100,000 minimum per passenger, also naming the Town of Chatham, Commission, and Airport Manager as named additional insured.
- e) A suitable tie down.

6. Right to Self-Service

- a) An aircraft owner may perform services, including Self-Fueling, on the owner's Owned Aircraft utilizing the aircraft owner's Own Employees and Own Equipment. An Entity may not perform such services for others, whether for compensation or not, unless rights for such services have been granted to such Person by the Authority in a Lease or Operating License.
- b) An Entity seeking to Self-Fuel on the basis of a lease or management contract, for any aircraft must obtain insurance to cover all of its interests and activities with respect to the leased aircraft or be a named insured under the policy of the lessor or aircraft owner and may be asked to provide true and correct copies of the lease or management contract and a complying certificate of insurance to Commission before engaging in Self-Fueling.

7. Commercial Skydive Operations

Any Commercial Operator engaged in a parachuting/skydiving operation shall meet, at a minimum, the following requirements, in addition to any others required by the Commission pursuant to a request for proposal or by Agreement:

- a) The Commercial Operator shall have available for skydiving, either owned or under lease, at least one properly certificated Aircraft. The jump plane pilot must be appropriately certificated by the FAA and be appropriately rated for the Aircraft being operated.
- b) The Commercial Operator shall meet or exceed the requirements of FAR Part 105 and related FAA Advisory Circulars, as the same may be amended from time to time, and any other applicable governmental regulations or approvals, including but not limited to obtaining a "Certificate of Authorization" for any skydiving operation.

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- c) The Commercial Operator shall have available for its exclusive use the following land area and buildings:
 - i. A designated spectator area which is separated or cordoned off from any areas in which Aircraft will be operating.
 - ii. A designated Aircraft staging area, landing area location – onsite or offsite, and loading area shown on a site plan as required in the application process.
- d) The Commercial Operator shall have on duty an adequately qualified manifestor at all times while jump operations are taking place who shall communicate with all skydiving Aircraft operating at the Airport.
- e) The Commercial Operator shall have each of its customers execute a hold harmless agreement, on a form to be approved by the Town’s risk manager, which agreement will name the Town of Chatham, the Chatham Airport Commission, and the Chatham Municipal Airport as a party released from liability.

SECTION F – Compliance for All Commercial Aviation Operations

Upon approval by [the Town through] the Commission, the following performance standards shall apply to all Commercial Operators.

1. Experience

Commercial Operators shall have the experience necessary to conduct any Commercial Activity they wish to provide to the public and shall submit a statement of qualifications to the Airport Manager upon request. It will be satisfactory if the Commercial Operator has in a reasonable supervisory position, a person of such experience. Should a Commercial Operator not have such experience, but can demonstrate to the Airport Manager’s satisfaction that they have had equivalent related experience or training, such will be deemed acceptable.

2. Legal Compliance

The Commercial Operator must comply with all federal, commonwealth and local requirements applicable to its operations, including, but not limited to, the grant assurances applicable to the Commission, and all applicable federal, Commonwealth and local Environmental Laws; orders and directives of a federal or Commonwealth agency with requisite jurisdiction over environmental conditions at the Airport; the Commission’s environmental policies and procedures, including, for example, and without limitation, SPCC Plan, SWMP and spill response plan; and generally accepted industry environmental policies and standards.

3. Permitting

The Commercial Operator shall, at its own cost, obtain, maintain, and comply with all necessary licenses, permits, certifications, or ratings required for the conduct of its activities at the Airport. Upon request, the Operator shall provide copies of such licenses, permits, certifications, or ratings to the Commission-

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4. Equipment and Vehicles

- a) The Commercial Operator must own, lease, or otherwise have sufficient access to equipment, including aircraft, to conduct Commercial Aviation Operations without causing any flight delays or other operational impacts on aircraft at the Airport.^[11]_[SEP]
- b) The Commercial Operator shall make all reasonable efforts to keep equipment operable, maintained in a safe operating condition, and capable of providing all required products and services at the hours and in a manner consistent with the intended use.

5. Insurance

a.) General requirements

- i. A Commercial Operator must, unless a greater amount is required by these Minimum Standards, maintain \$1 million in liability insurance.
 - ii. Lapses in insurance coverage may result in denial of access to the Airport.
- b.) In prescribing insurance coverage types and limits, the Commission is not representing or guaranteeing that the types and limits are adequate to protect the Commercial Operator's interests and liabilities. It is understood that the specified amounts of insurance stated herein or in a Lease, License or other Agreement shall in no way limit the liability of the Commercial Operator.
 - c.) The Commission reserves the right to make reasonable adjustments to required types of insurance coverage, limits and exclusions when deemed necessary and prudent by the Commission based upon changes in statutory-law, court decisions, the claims history of the industry or financial considerations of the insurance company and/or the Commercial Operator.
 - d.) The Commercial Operator will provide a certificate of insurance listing the Commission, Airport Manager and the Town as additional insured. This obligation shall not apply to any workers' compensation policy.
 - e.) Insurance shall be secured by a company authorized to conduct business in the Commonwealth of Massachusetts.

6. Lease or License Requirement: A Lease or License is a prerequisite to providing Commercial Aviation Operations on the Airport.

7. Construction

- a.) All paving and building shall comply with the then-current FAA, Commission and Town development and construction standards.
- b.) All construction shall comply with the Airport Master Plan as amended from time to time, and must be approved in advance by the Commission.

8. Environmental

Each Commercial Operator shall comply with all applicable Environmental Laws and shall execute a lease or license specifying the Commercial Operator's environmental obligations at the Airport, as determined in the sole discretion of the Commission. When the Operator stores, repairs,

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maintains, washes or otherwise performs aircraft maintenance activities, the Commercial Operator shall provide adequate facilities and procedures, as determined by the Commission, for (i) the removal and disposal of solutions, cleaning agents, lubricants and other wastes and (ii) the washing and cleaning of aircraft. All such facilities and activities must comply with applicable laws and Airport Rules and Regulations, including without limitation storm water discharge regulations and any storm water discharge permit(s) in effect at the Airport.

9. Prohibited Activities.

Each Commercial Operator is expressly prohibited from engaging in any of the following activities:

- a) Provision of terminal facilities for passenger operations, other than those covered by Federal Aviation Regulations 14 CFR Parts 91 and 135.
- b) Sale of non-aviation products without the written approval of the Commission.
- c) Air shows, meets, displays or other public gatherings without approval of the Commission.
- d) Any service prohibited by law or not related to the aviation services the FBO is authorized to provide at the Airport.
- e) Advertising of any kind unrelated to aviation services the FBO is authorized to provide at the Airport.
- f) Storage of hazardous materials, liquid industrial waste or any other regulated waste that does not fully comply with all applicable Environmental Laws.
- g) Constructing or operating a fuel farm without the express written approval of the Commission.
- h) Conducting heavy maintenance on an aircraft on a parking apron or any other area not designated or leased for aircraft maintenance without the express written approval of the Commission. This does not apply to routine line maintenance of aircraft.
- i) Unauthorized aircraft and vehicle maintenance.
- j) Parking, storing, or allowing the parking or storage of any vehicles on leased premises that are not used in the daily operation of the general aviation business permitted to be conducted on such leased premises.

SECTION G – Severability

If one (1) or more clauses, sections, or provisions of these Minimum Standards shall be held to be unlawful, invalid, or unenforceable by final judgment of any court or competent jurisdiction, the invalidity of such clauses, sections or provisions shall not in any way affect any other clauses, sections, or provisions of these Minimum Standards.

SECTION H – Enforcement

1. The Commission, in addition to any other right or authority it may have, reserves the right to suspend any Operator from doing business on the Airport in connection with any of such Operator's Commercial Activities upon determination that such Operator has not complied with these Minimum Standards or has otherwise jeopardized the safety of persons utilizing the Airport or the property or operations of the Airport.
2. Violations of these minimum standards may be subject to enforcement pursuant to Mass. Gen. Laws c. 90, § 44, or any other applicable law or regulation.

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