

The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT AIRPORT AUTHORITY

6:00 PM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

November 9, 2021

AGENDA

CALL TO ORDER

ROLL CALL

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Meeting Minutes of October 12, 2021
- b. Consider Adoption of the Durant Regional Airport Rules and Regulations as recommended by KSA Engineering
- c. Consider Adoption of the Durant Regional Airport - FAA Hangar Use Policy as Recommended by KSA Engineering

2. Consider Items Removed from Consent

3. Information Items

- a. Airport Monthly Report - October 2021

4. Administration

5. New Business

ADJOURNMENT

CERTIFICATE

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 5th day of November, 2020 and that an agenda of said meeting was posted at the place of such meeting at 4:00 p.m. on the 4th day of November, 2021.

A handwritten signature in cursive script, reading "Cynthia J. Price".

Cynthia J. Price, City of Durant



The City of Durant

Memorandum

Date: 11/9/2021
To: Mayor and City Council
From: Cynthia Price, City Clerk
Re: Consider Approval of Regular Meeting Minutes of October 12, 2021

Council Information / Action Requested

Approval of Regular Meeting Minutes of October 12, 2021

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. Durant Airport Authority Minutes 10122021 cjp

This is to certify that, in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 5th day of November, 2020 and that an agenda of said meeting was posted at the place of such meeting at 8:00 a.m. on the 7th day of October, 2021.



Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT AIRPORT AUTHORITY
October 12, 2021 AT 6:00 PM
Roscoe J. Hatfield Council Chambers
300 West Evergreen
Durant, Oklahoma**

CALL TO ORDER

Chairman Grube called the meeting to order at 6:48 p.m.

ROLL CALL

Present:

Trustee Steve Brittingham
Trustee Humphrey Miller
Trustee Curtis Morris
Vice Chairman Danny Sherrer
Chairman Oden Grube
City Attorney Tom Marcum
City Manager John Dean
City Clerk Cynthia J. Price

Absent:

None

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Minutes of September 14, 2021

Motion To: Approve Consent Item as Presented

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. Airport Manager's Monthly Report - September 2021

4. Administration

- a. Discussion, Consideration, and Possible Action on a Commercial Lease Agreement between the Durant Airport Authority and Air Evac EMS Inc.

Motion To: Approve Commercial Lease Agreement Between the Durant Airport Authority and Air Evac EMS Inc.

Motion By: Steve Brittingham

Seconded By: Danny Sherrer

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

5. New Business

There was no new business.

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None



The City of Durant

Memorandum

Date: 11/9/2021
To: Mayor and City Council
From: James Dalton, Assistant City Manager
Re: Consider Adoption of the Durant Regional Airport Rules and Regulations as recommended by KSA Engineering

Consider Adoption of the Durant Regional Airport Rules and Regulations as recommended by KSA Engineering

Council Information / Action Requested

Consider Adoption of the Durant Regional Airport Rules and Regulations as recommended by KSA Engineering

City Staff Information / Action Follow-up, if Council authorizes this action:

I, Assistant City Manager, Will Assist Airport Manager John Wyatt in Posting the Rules and Regulations at the Airport and Making Sure that All Tenants and Visitors Have Access to the Rules and Regulations and Adhere to the Said Rules and Regulations.

ATTACHMENTS:

1. Airport - DURANT REGIONAL AIRPORT RULES AND REGULATIONS (ksa) 11-9-21



DURANT REGIONAL AIRPORT RULES AND REGULATIONS

Sec. 1. – Leasing of Property.

- a) *Hangars.* Airport hangars owned by the City of Durant may be rented to private individuals, companies, or corporations on a monthly or yearly basis primarily for the storage of aircraft and ancillary aircraft equipment. Short-term non-aeronautical use of a hangar may be permitted in accordance with the Federal Aviation Administration Policy on the Non-Aeronautical Use of Airport Hangars dated June 9, 2016. Rental rates shall be established and/or adjusted by the Durant Airport Authority and implemented/enforced by the Airport Manager.
- b) *Airport Property.* The City of Durant may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, aprons, taxiways, and automobile parking lots in accordance with the approved airport master plan/airport layout plan. Aviation-related activities shall have priority in all leasing projects. It shall be the responsibility of the lessee to construct and maintain any pavement improvements from the edge of their building or hangar to the public-use portion of the taxiway or taxilane.
- c) *Commercial Aviation-Related Rates.* Value for the commercial use of airport property shall be established by market survey to determine leasehold value of airport property on a square-foot-per-year basis. The rate shall be approved by the Durant Airport Authority. The annual lease rate will be calculated by multiplying the total square footage of the property by the recommended square foot rate. Once established, lease rates will be adjusted annually based on the inflation rate established by the consumer price index applicable to the City of Durant.

- d) *Non-Aviation Related Rates.* For the initial lease of airport property upon which to conduct a non-aviation activity, the City of Durant will charge the appraised fair market leasehold value of the property. The annual lease rate will be calculated by multiplying the total fair market leasehold value of the property by certain percentages as recommended by the appraiser. Lease and rental rates will be adjusted annually based on the inflation rate established by consumer price index applicable to the City of Durant.
- e) *Building Restrictions.* No structure may be erected or placed beyond the building restriction line (BRL) or in conflict with the approved airport layout plan. No structures that are built on property adjacent to the airport will be allowed to have access to airport property or through the fence operations.
- f) *Construction Authorization.* All construction must be authorized by the Durant Airport Authority and the City of Durant Planning and Zoning Department and must be capable of withstanding winds of 90 miles per hour, with doors open or closed as detailed in the Oklahoma Uniform Building Code. Furthermore, all structures must comply with the City of Durant building codes and airport zoning and land use ordinances. All structures must comply with FAA airspace requirements and must receive FAR Part 77 approval prior to construction.
- g) *Commercial Operating Fees.* Every person approved by the City Commission to conduct a commercial activity on the Airport shall pay a monthly/annual fee as established by the Durant Airport Authority. The fee for the previous month's/year's activity shall be paid by the 20th day of the month/year. Prior to starting the commercial activity, a deposit, as established by the Durant Airport Authority, shall be paid. This deposit will be held by the City of Durant and applied to overdue fees at the discretion of the City of Durant. If the commercial activity is terminated, the deposit shall be returned to the depositor upon payment in full of the account.
- h) *Fuel Flowage Fees.* All fuel-dispensing activities, whether commercial or private, must be authorized by the Durant Airport Authority and in compliance with the Airport Minimum Standards, as amended from time to time, and will be assessed a flowage fee using the established fuel flowage fee rate at that time, based on fuel delivered to the vendor.

- i) *Lease Term.* Each lease term for a private hangar or building shall be determined by the hangar owner's initial investment and reasonable payback period. In any case, a lease for a privately owned T-hangar shall not exceed 20 years, a lease for a privately owned corporate/box hangar shall not exceed 20 years, and a lease for a commercial aeronautical facility or a non-aeronautical commercial facility shall not exceed 40 years.
- j) *Reversion.* All leases for airport construction shall contain a reversion clause stating that any private construction of a facility on airport property shall revert ownership back to the Airport upon the termination or conclusion of the lease. Upon reversion, the immediate previous lessee shall have the first right of refusal to enter into a rental agreement with the Airport for said facility. The rental rate shall be determined by similarly valued Airport owned facilities and not the ground lease rate.

Sec. 2. – General Operating Rules

The following rules are applicable to the airport operation, aircraft operation, and conduct of persons at the Durant Regional Airport:

- a) *Operation by City.* Durant Regional Airport is operated by the City of Durant for the use and benefit of the public under the authority granted under state law and under the terms of the deed from the federal government and subsequent sponsors' assurance agreements with the federal government.
- b) *Designated Representative.* The Airport Manager shall be the designated City representative to enforce the regulations in this article and supervise the operation of the Airport.
- c) *Safeguard of Persons and Property.* The Airport Manager shall maintain authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.

- d) *Public Use.* The Durant Regional Airport shall be open for public use subject to certain restrictions, which may be necessary due to inclement weather, the conditions of the landing area, the presentation of special events, and like causes as may be determined by the City of Durant and subject to such fees and charges as may be established without discrimination for each class of user.
- e) *Federal Aviation Administration Regulations.* The published Federal Aviation Regulations (FAR) in effect are referred to, adopted, and made a part of this article as fully in all respects as if particularly set forth in this article.
- f) *Injury to Persons.* Persons entering upon airport grounds do so at their own risk and with no liability incurring to the City of Durant, its officers, or employees for any damage to persons or property. Further, any persons desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules, and regulations promulgated and enforced by the City or by any other authority having jurisdiction over the conduct and operation of the Airport, including the Federal Aviation Administration.
- g) *Emergency Procedure.* In case of an accident, it shall be reported to the Durant Fire Department, Durant Police Department, Oklahoma Highway Patrol (OHP), and the Airport Manager by telephone. No unauthorized personnel shall go to the scene of an accident except to render aid in the absence of authorized personnel. The Airport Emergency Contingency Plan shall be adhered to under this subsection.
- h) *Accidents.* All accidents regardless of the extent or nature of damage, involving aircraft based on this field or accidents occurring on this field shall be reported immediately and within 24 hours in writing to the office of the Airport Manager and any other regulatory body requiring such notification.
- i) *Damage to Airport.* Any person and the owner or any aircraft causing damage of any kind to the Airport, whether through violation of any of the rules in this article or through vandalism or any act of negligence, shall be liable therefore in and to the City of Durant.

- j) *Damage to Runway Lights.* Any person damaging any field light or fixture by operation of an aircraft or otherwise shall immediately report such damage to the Airport Manager. A person causing damage to runway and taxiway lights as a result of negligent operations of an aircraft or willful acts will be liable for replacement costs of the lights and/or fixtures.
- k) *Licensed Pilots.* Only properly registered aircraft and persons holding current airman and medical certificates issued by the Federal Aviation Administration shall be authorized to operate aircraft upon the Airport except as may otherwise be provided in this article. This limitation shall not apply to students in training under certified flight instructors or to public aircraft of the federal government or of a state, territory, or political subdivision thereof or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.
- l) *Registration.* Every registered owner of an aircraft based at Durant Regional Airport shall register at the office of the Airport Manager or designated representative, with name, aircraft tail number, address and telephone number.
- m) *Vehicular Traffic.* All vehicular traffic shall be confined to avenues of passage designated and provided for that purpose by the City of Durant and shall not operate at speeds in excess of 15 miles per hour.
- n) *Roads and Walkways.* No person shall travel on the Airport other than on the roads, walkways, or places provided for the use of traffic. No person shall use the roads or walkways in such a manner as to hinder or obstruct their proper use by others.
- o) *Acrobatic Flying.* Acrobatic flying by any person flying over any portion of the City of Durant is prohibited without the express permission of the Airport Manager and FAA.
- p) *Parachute Jumping.* No person shall make a parachute jump within City of Durant limits without the express permission of the Airport Manager, except in an actual emergency.

- q) *Dropping of Objects.* No person in any aircraft shall cause or permit to be thrown out, discharged, or dropped within the City of Durant any object, except loose water or loose sand ballast when essential to the safety of the occupants of the aircraft or in circumstances receiving written permission from the Airport Manager.
- r) *Advertising from Aircraft.* No person shall make an exhibition flight by carrying banners on, distributing circulars from, or advertising materials from, or operating loud-speaking devices from, any aircraft flying within the City of Durant limits without first obtaining a permit from the Airport Manager and the City of Durant. Such permit will not be granted if, in the opinion of the City of Durant, the proposed operation will endanger persons or property or cause discomfort or annoyance to the public or in any case unless the aircraft and the person operating it are properly licensed by the Federal Aviation Administration.
- s) *Ultra-Light Aircraft.* Use of the Airport by ultra-light vehicles shall be subject to approval by the Airport Manager and shall be in accordance with Federal Aviation Regulations Part 103 and any other rules set by the City of Durant.
- t) *Firearms.* No one except duly authorized persons, police officers, or federal employees authorized to carry firearms in the performance of their duties or members of the armed forces of the United States on official duty shall carry any firearm on the Airport, except that unloaded, cased sporting guns may be carried as baggage.
- u) *Permission to Fuel.* No aviation fuels shall be brought on the Airport for the use of sale without the express permission of the City. This permission shall be granted in a written document providing for safety in storage and handling and the payment of a flowage fee as established in the "Minimum Standards and Requirements for Commercial Aeronautical Activities, Durant Regional Airport," as amended from time to time, or specific exemption therefrom. All aviation fuels used in aircraft shall be stored in compliance with Federal Aviation Administration guidelines and City of Durant Fire Department regulations.

- v) *Photography*. No person except duly accredited representatives of the news media shall take still, motion, or sound pictures for commercial purposes on the Airport without permission from the Airport Manager.
- w) *Model Aircraft Flying, etc.* Flying of model aircraft, kites, etc., within the Airport area is prohibited.
- x) *Animals on Airport*. No person shall enter the terminal building or landing area of the Airport with a dog or other animal, except that service animals may be permitted in the terminal building. This does not apply where dogs or other animals are carried aboard aircraft, contained within a private hangar or office, and are restrained by leash or properly contained.
- y) *Abandoned Property/Lost Articles*. No person shall abandon any property on the Airport. Any person finding lost articles in the public areas shall deposit or report them to the Airport Manager.
- z) *Foreign Objects*. No foreign objects, including bottles, cans, scrap, or any other object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the Airport.
- aa) *Disposal of Refuse*. No person shall place, dispose of or deposit in any manner trash, garbage, or refuse in or upon the Airport property except as such places and under such conditions as the Airport Manager may prescribe.
- bb) *Unauthorized Signs/Structures*. No signs or non-aeronautical equipment or portable/storage structures and house trailers may be erected, moved in, or installed on the Airport property except as may be specifically authorized by the Airport Manager.
- cc) *Lien for Charges*. To enforce the payment of any charge made for repairs, improvements, storage, or care of any personal property made or furnished by the City of Durant or its agents, in connection with the operation of the Airport, the City of Durant shall have a lien upon such personal property, which shall be enforceable as provided by law.

dd) *Lien Possessory Right.* To enforce the payment of any such charge made pursuant to subsection (ee) of this section, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation shall have been paid in full.

ee) *Surreptitious Activities.* Any person observing suspicious, unauthorized, or criminal activities should report such activities immediately to the Airport Manager or the Durant Police Department.

Sec. 3. – Running Aircraft Engines

- a) On an aircraft not equipped with adequate brakes, the engine shall not be started until and unless the wheels have been set with blocks attached to ropes or other suitable means for removing them.
- b) No airplane will be propped, started, or left running without a licensed pilot or mechanic at the controls.
- c) No engine shall be started or shall run inside any building.
- d) No engine shall be started, run, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings and groups of people in the observation areas.
- e) No aircraft shall be fueled or drained while its engine is running, unless the operator/crew have received appropriate training related to “hot refueling”, and received express written permission from the Airport Manager.
- f) No person may start the engine of an aircraft if there is any gasoline or other volatile flammable liquid on the ground underneath it.

Sec. 4. – Aircraft Taxiing

- a) No person shall taxi an aircraft at the Airport until he has ascertained there will be no danger of collision with any person or object in the immediate area.
- b) Aircraft will taxi at a safe and prudent speed and in such a manner as to be at all times under the control of the pilot.

- c) Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.
- d) Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in the takeoff position.
- e) There shall be no taxiing of aircraft by engine power into or out of hangars.

Sec. 5. – Aircraft Parking

- a) Unoccupied aircraft shall not be parked or tied down on or within 120 feet of the centerline of a VFR basic utility runway at the Airport, within 250 feet of the centerline of a general utility non-precision runway, or within 500 feet of the centerline of a precision runway, and all un-housed aircraft shall be parked in the areas designated by the Airport Manager for that purpose.
- b) Aircraft will not be parked within 50 feet for an aircraft fuel pump, except for the purpose of refueling.
- c) Aircraft will not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.
- d) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set or that the plane is properly chocked and/or tied down. With regard to aircraft parked at the FBO, wheels will be properly chocked, and brakes left OFF allowing approved airport staff to relocate aircraft as needed to accommodate daily operations.
- e) All aircraft parked on the Airport, whether temporary or permanent, shall be parked on in assigned or designated parking areas. Aircraft not parked in the proper area will be moved to the proper area by the City of Durant or its authorized representative without liability for damages which may result during such moving.

- f) A schedule of fees has been established for the parking of aircraft in tie-down areas. These fees shall constitute a lien upon the aircraft, and the City of Durant or its authorized representative may hold such aircraft until the fees are paid or may dispose of the aircraft as provided by law if the fees are not paid.
- g) The registered owner of any aircraft permanently based on the Airport and parked in the public parking area will register his full name, mailing address, and phone number with the Airport Manager or representative.
- h) The operator of each aircraft parked on the Airport will be responsible for properly securing the aircraft to protect it and other aircraft from wind damage.
- i) Non-airworthy aircraft, wrecks, “junkers”, or parts thereof shall not be parked on the Airport or in hangars unless awaiting scheduled repairs by a licensed airframe and powerplant mechanic and may not be stored in hangars longer than one year or parked out of doors longer than thirty days.

Sec. 6. – Wrecked Aircraft

Every aircraft owner, his pilot, and agents shall be responsible for notifying the Federal Aviation Administration and for the prompt removal from the operational areas of the Airport, under the direction of the Airport Manager, or disabled or wrecked aircraft.

Sec. 7. – Repairs to Aircraft

- a) No aircraft shall be repaired on any part of the landing or takeoff area, and all outside repairs shall be made at the places designated by the Airport Manager for such purpose to avoid the presence of foreign object debris (FOD).
- b) Maintenance performed on aircraft, other than the maintenance normally performed by the pilot or owner, is considered a commercial activity, and anyone performing such activity must first meet the requirements for the activity as established in the “Minimum Standards for Commercial Aeronautical Activities, Durant Regional Airport” as amended from time to time.

Sec. 8. – Fueling of Aircraft

- a) Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place, except that a medical evac aircraft or agricultural spray aircraft on a fast turnaround may be fueled and loaded with chemicals with the aircraft engine idling if the Airport governing authority has provided written authority to the agricultural operator and if the wheels are chocked and there are at least two 20B fire extinguishers within 50 feet and a qualified ground crew member is present during the fueling operation.
- b) All aircraft will be positively grounded when being serviced with fuel. Aircraft being serviced by a fuel truck will be grounded to the fuel truck, and the fuel truck will be positively grounded.
- c) All aircraft shall be fueled clear of all hangars and other buildings.
- d) Aircraft fuel trucks will be equipped, operated, and maintained in accordance with National Fire Protection Association, Incorporated, NFPA Manual 407 “Aircraft Fuel Servicing, 1990,” published and available from the NEPA or a more recently adopted version of the previously mentioned manual.
- e) Large quantities of aviation or auto fuels will not be stored within a hangar.
- f) The pilots and passengers will exit the aircraft, and the aircraft will be unoccupied during fueling operations, except in special conditions as listed in Sec 8(a).
- g) Where aircraft fueling is performed by a fuel truck, an adequate number of suitable grounding connections shall be provided on the aircraft apron or servicing ramp.
- h) Spillage or dripping of gasoline, oil, jet fuel, kerosene, grease, or any other material which may be unsightly or detrimental to the pavement in any area at the airport shall be removed immediately. The responsibility for removal shall be assumed by the operator of the equipment causing the spillage or by the tenant or concessionaire responsible for the deposit thereof on the pavement.

- i) No person shall park any vehicle designed for fueling within 50 feet of the terminal building.
- j) No opened containers of oils and no containers of fuels or other volatile or flammable substances may be stored in hangars, except in NFPA/OSHA approved fire-rated cabinets or storage containers.

Sec. 9. – Use of Hangars

The following rules apply to hangar tenants at the Airport; infraction of these rules will result in the immediate cancellation of the hangar rental contract and/or a fine as established in this article:

- a) No hoisting mechanism may be attached to the structure of the hangar without the written permission of the Airport Manager. This will include but is not limited to, chain fall, block and tackle, or any other hoisting device passed over struts or braces of the hangars.
- b) No hangars or supports requiring the modification of the steel structures of metal wall surfaces will be installed.
- c) Metal wall panels may not be removed, modified, bent, or cut without the written permission of the Airport Manager.
- d) Hangar doors, door guides, rollers, and door tasks may not be removed or otherwise modified.
- e) Occupants of hangars may not use self-propelled equipment such as tractors, trucks, or automobiles to open or close hangar doors.
- f) No containers of fuels or other volatile or flammable substances may be stored in hangars unless contained in federally approved storage containers for the type of substance being stored.
- g) No oil-soaked clothes, rags, or other combustible fabrics may be stored in hangars.
- h) Refuse cans must be used for empty oil cans and other trash.
- i) Only aircraft listed in the hangar tenant's rental contract and ancillary equipment shall be stored in the hangar space.

- j) Hangar occupants may not sublease the hangar space without the written consent of the Airport Manager.
- k) Hangar occupants may perform maintenance on their own aircraft to the extent they meet the qualifications set forth by FAA, and any licenses required by the FAA are current.
- l) A tenant shall reimburse the City of Durant for damages to hangars, such as broken windows, doors, hinges, or electrical fixtures caused in any manner by the tenant's carelessness.
- m) Cleaning interiors of hangars is the responsibility of the tenant. The Airport Manager may inspect to ensure compliance with all rules and regulations at any time.
- n) All hangar tenants shall provide the Airport Manager with duplicate keys or applicable door codes to be used in case of an emergency.
- o) Hangars are for the storage of aircraft and aircraft ancillary equipment only. Hangars may be used for commercial aeronautical activity with the written prior approval of the Airport Manager. Under no circumstances will non-aeronautical commercial/non-commercial activity be conducted in hangars at Durant Regional Airport.

Hangar uses not permissible under the FAA Policy on Use of Hangars:

- Use as a residence.
- Operation of a non-aeronautical business, e.g., limo service, car and motorcycle repair/storage, storage of inventory, non-aeronautical business office.
- Activities which impede the movement of the aircraft in and out of the hangar or other aeronautical contents of the hangar
- Activities which displace the aeronautical contents of the hangar or impede access to aircraft or other aeronautical contents of the hangar.
- Storage of household items that could be stored in commercial storage facilities.
- Long-term storage of derelict aircraft and parts.
- Storage of items or activities prohibited by local or state law.
- Fuel, and other dangerous Hazmat materials.

- Storage of inventory or equipment supporting a municipal agency function unrelated to the aeronautical use.

Sec. 10. – Agricultural Spraying Operations

- a) Agricultural spraying operations will be conducted in accordance with all federal and state laws and regulations.

Sec. 11. – Parachute Jump Operations

- a) All instructors and unsupervised jumpers will be required to hold a current membership with the United States Parachutist Association and must possess all required USPA licenses. Membership must be confirmed prior to jumper manifesting for a load.
- b) Instructors will file NOTAM, check winds aloft, and calculate exit spots.
- c) Pilot will perform any routine safety inspections required or deemed necessary on jump aircraft.
- d) All jumpers will perform any routine safety inspections required or deemed necessary on jump aircraft.
- e) Instructors and licensed jumpers are responsible for doing a final gear check on all equipment and review jump procedures with student prior to exiting the aircraft.
- f) During skydive, instructors will follow all guidelines and rules set forth by the United States Parachutist Association, FAA, and equipment manufacturers.
- g) Landing patterns will be parallel to the runway at all times. No parachute traffic will cross the active runway under 1,000 feet.
- h) The Airport Manager may designate the drop zone. All jumpers are obligated to land in the designated drop zone unless the Airport Manager designates an alternate drop zone for landing.

- i) All pilots and jumpers are to have been briefed using Federal Aviation Regulations 105 thru 105.49 before conducting parachuting operations.
- j) NOTAMs for parachuting operations are to be filed and active for the time frame of the planned jumps.
- k) Pilot briefing is to be completed with the Flight Service Station prior to becoming airborne.
- l) Pilot will monitor any activity on the Common Traffic Advisory Frequency/UNICOM during all operations. Two minutes prior to parachuting operations precautionary radio calls are made on 123.05.

Sec. 12. – Vehicles

- a) Private vehicles shall only be driven onto the ramp or areas as necessary to go directly to and from specific aircraft for loading and unloading baggage. No vehicles will be permitted within the movement area unless approved by the airport manager, equipped with proper lighting, radio, or escorted by airport staff.
- b) A lessee may park a private vehicle inside the lessee's hangar while the aircraft is in use.
- c) The Airport Manager shall designate a specific vehicular parking area.
- d) Persons may park or locate motor vehicles on the Airport only in an area specifically designated for parking or standing. No person may park a motor vehicle in any area on the Airport for a period longer than is designated for that area. No person may park or locate a motor vehicle within ten feet of a fire hydrant on the Airport.

Sec. 13. – Special Procedures

The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as air shows, agricultural operations, lighter than air operations, ultra-lights, etc.

Sec. 14. – Filing and Notice of Rules and Regulations

These Rules and Regulations shall be available in the office of the City Clerk and the Airport and shall be given to all persons who have operations or lease space at the Airport.

Sec. 15. – Penalty for Violation of Rules and Regulations

Violation of the rules may result in the termination of leases, the prohibition from being upon the ground of the Airport, the loss of the opportunity to conduct any operations at the Airport, or such other action as the City of Durant deems appropriate, in addition to any penalties imposed if such violations are also violations of law.

Adopted this 9th day of November, 2021

Oden Grube, Durant Airport Authority Chairman

Oden Grube, Mayor

ATTEST: (Seal)

ATTEST: (Seal)

Cynthia Price, Durant Airport Authority Clerk

Cynthia Price, Durant City Clerk



The City of Durant

Memorandum

Date: 11/9/2021
To: Mayor and City Council
From: James Dalton, Assistant City Manager
Re: Consider Adoption of the Durant Regional Airport - FAA Hangar Use Policy as Recommended by KSA Engineering.

Consider Adoption of the Durant Regional Airport - FAA Hangar Use Policy as Recommended by KSA Engineering.

Council Information / Action Requested

Consider Adoption of the Durant Regional Airport - FAA Hangar Use Policy as Recommended by KSA Engineering.

City Staff Information / Action Follow-up, if Council authorizes this action:

I, Assistant City Manager James Dalton, Will Assist Airport Manager John Wyatt in Posting the Durant Regional Airport - FAA Hangar Rules and Regulations and Making Sure All Tenants Have a Copy of the Hangar Rules and Regulations. Airport Manager John Wyatt and Staff, Will Have the Authority to Enforce the Hangar Rules and Regulations

ATTACHMENTS:

1. Airport - DURANT REGIONAL AIRPORT - FAA HANGAR USE POLICY (KSA) 11-9-21



DURANT REGIONAL AIRPORT / FAA HANGAR USE POLICY

Contained herein are the rules and regulations for Airport Hangar usage as published by the FAA Airport Compliance Division effective July 1, 2017. These policies remain in effect today and have been adopted by the City of Durant – Durant Airport Authority Trustees effective November 9, 2021.

Furthermore, the City of Durant – Durant Airport Authority Trustees hereby authorize the Durant Regional Airport Manager to take any and all enforcement action necessary to insure that the Durant Regional Airport remains in compliance with the rules and regulations as set forth in these documents, or any future revision of these documents, pertaining to hangar usage at the Durant Regional Airport.

Signed this 9th day of November, 2021

Oden Grube, Durant Airport Authority Chairman

ATTEST:

(SEAL)

Cynthia Price , Clerk

14 CFR Chapter I [Docket No. FAA 2014-0463] Policy on the Non-Aeronautical Use of Airport Hangars AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of final policy.

SUMMARY: This action clarifies the FAA's policy regarding storage of non-aeronautical items in airport facilities designated for aeronautical use. Under Federal law, airport operators that have accepted federal grants and/or those that have obligations contained in property deeds for property transferred under various Federal laws such as the Surplus Property Act generally may use airport property only for aviation related purposes unless otherwise approved by the FAA. In some cases, airports have allowed non-aeronautical storage or uses in some hangars intended for aeronautical use, which the FAA has found to interfere with or entirely displace aeronautical use of the hangar. At the same time, the FAA recognizes that storage of some items in a hangar that is otherwise used for aircraft storage will have no effect on the aeronautical utility of the hangar. This action also amends the definition of aeronautical use to include construction of amateur-built aircraft and provides additional guidance on permissible non-aeronautical use of a hangar."

DATES: The policy described herein is effective July 1, 2017. FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Manager, Airport Compliance Division, ACO-100, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267-3085; facsimile: (202) 267-4629. ADDRESSES: You can get an electronic copy of this Policy and all other documents in this docket using the Internet by: (1) Searching the Federal eRulemaking portal ([http:// www.faa.gov/regulations/search](http://www.faa.gov/regulations/search)); (2) Visiting FAA's Regulations and Policies Web page at ([http:// www.faa.gov/regulations_policies](http://www.faa.gov/regulations_policies)); or (3) Accessing the Government Printing Office's Web page at ([http:// www.gpoaccess.gov/index.html](http://www.gpoaccess.gov/index.html)). You can also get a copy by sending a request to the Federal Aviation Administration, Office of Airport Compliance and Management Analysis, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3085. Make sure to identify the docket number, notice number, or amendment number of this proceeding.

SUPPLEMENTARY INFORMATION: Authority for the Policy: This document is published under the authority described in Title 49 of the United States Code, Subtitle VII, part B, chapter 471, section 47122(a). Background Airport Sponsor Obligations in July 2014, the FAA issued a proposed statement of policy on use of airport hangars to clarify compliance requirements for airport sponsors, airport managers, airport tenants, state aviation officials, and FAA compliance staff. (79 Federal Register (FR) 42483, July 22, 2014). Airport sponsors that have accepted grants under the Airport Improvement Program (AIP) have agreed to comply with certain Federal policies included in each AIP grant agreement as sponsor assurances. The Airport and Airway Improvement Act of 1982 (AAIA) (Pub. L. 97-248), as amended and re-codified at 49 United States Codes (U.S.C.) 47107(a)(1), and the contractual sponsor assurances require that the airport sponsor make the airport available for aviation use. Grant Assurance 22, Economic Nondiscrimination, requires the sponsor to make the airport available on reasonable terms without unjust discrimination for aeronautical activities, including aviation services. Grant Assurance 19, Operation and Maintenance, prohibits an airport sponsor from causing or permitting any activity that would interfere with use of airport property for airport purposes. In some cases, sponsors who have received property transfers through surplus property and non-surplus property agreements have similar federal obligations. The sponsor may designate some areas of the airport for non-aviation use,¹ with FAA approval, but aeronautical facilities of the airport must be dedicated to use for aviation purposes. Limiting use of aeronautical facilities to aeronautical purposes ensures that airport facilities are available to meet aviation demand at the airport. Aviation tenants and aircraft owners should not be displaced by non-aviation commercial uses that could be conducted off airport property. It is the longstanding policy of the FAA that airport property be available for aeronautical use and not be available for non-aeronautical purposes unless that non-aeronautical use is approved by the FAA. Use of a designated aeronautical facility for a non-aeronautical purpose, even on a temporary basis, requires FAA approval. See FAA Order 5190.6B, Airport Compliance Manual, paragraph 22.6, September 30, 2009. The identification of non-aeronautical use of aeronautical areas receives special attention in FAA airport land use compliance inspections. See Order 5190.6B, paragraphs 21.6(f)(5). Areas of the airport designated for non-aeronautical use must be shown on an airport's Airport Layout Plan (ALP).

The AAIA, at 49 U.S.C. 47107(a)(16), requires that AIP grant agreements include an assurance by the sponsor to maintain an ALP in a manner prescribed by the FAA. Sponsor assurance 29, Airport Layout Plan, implements § 47107(a)(16) and provides that an ALP must designate non-aviation areas of the airport. The sponsor may not allow an alteration of the airport in a manner inconsistent with the ALP unless approved by the FAA. See Order 5190.6B, paragraph 7.18, and Advisory Circular 150/5070-6B, Airport Master Plans, Chapter 10. Clearly identifying non-aeronautical facilities not only keeps aeronautical facilities available for aviation use, but also assures that the airport sponsor receives at least Fair Market Value (FMV) revenue from non-aviation uses of the airport. The AAIA requires that airport revenues be used for airport purposes, and that the airport maintain a fee structure that makes the airport as self-sustaining as possible. 49 U.S.C. 47107(a)(13)(A) and (b)(1). The FAA and the Department of Transportation Office of the Inspector General have interpreted these statutory provisions to require that non-aviation activities on an airport be charged a fair market rate for use of airport facilities rather than the aeronautical rate. See FAA Policies and Procedures Concerning the Use of Airport Revenue, (64 FR 7696, 7721, February 16, 1999) (FAA Revenue Use Policy). If an airport tenant pays an aeronautical rate for a hangar and then uses the hangar for a non-aeronautical purpose, the tenant may be paying a below-market rate in violation of the sponsor's obligation for a self-sustaining rate structure and FAA's Revenue Use Policy. Confining non-aeronautical activity to designated non-aviation areas of the airport helps to ensure that the non-aeronautical use of airport property is monitored and allows the airport sponsor to clearly identify non-aeronautical fair market value lease rates, in order to meet their federal obligations. Identifying non-aeronautical uses and charging appropriate rates for these uses prevents the sponsor from subsidizing non-aviation activities with aviation revenues.

FAA Oversight A sponsor's Grant Assurance

Obligations require that its aeronautical facilities be used or be available for use for aeronautical activities. If the presence of non-aeronautical items in a hangar does not interfere with these obligations, then the FAA will generally not consider the presence of those items to constitute a violation of the sponsor's obligations. When an airport has unused hangars and low aviation demand, a sponsor can request the FAA approval for interim non-aeronautical use of a hangars, until demand exists for those hangars for an aeronautical purpose. Aeronautical use must take priority and be accommodated over non-aeronautical use, even if the rental rate would be higher for the non-aeronautical use. The sponsor is required to charge a fair market commercial rental rate for any hangar rental or use for non-aeronautical purposes. (64 FR 7721). The FAA conducts land use inspections at 18 selected airports each

year, at least two in each of the nine FAA regions. See Order 5190.6B, paragraph 21.1. The inspection includes consideration of whether the airport sponsor is using designated aeronautical areas of the airport exclusively for aeronautical purposes, unless otherwise approved by the FAA. See Order 5190.6B, paragraph 21.6.

The Notice of Proposed Policy

In July 2014, the FAA issued a notice of proposed policy on use of hangars and related facilities at federally obligated airports, to provide a clear and standardized guide for airport sponsors and FAA compliance staff. (79 FR 42483, July 22, 2014). The FAA received more than 2,400 comments on the proposed policy statement, the majority from persons who have built or are in the process of building an amateur-built aircraft. The FAA also received comments from aircraft owners, tenants and owners of hangars, and airport operators. The Aircraft Owners and Pilots Association (AOPA) and the Experimental Aircraft Association (EAA) also provided comments on behalf of their membership. Most of the comments objected to some aspect the proposed policy statement. Comments objecting to the proposal tended to fall into two general categories: • The FAA should not regulate the use of hangars at all, especially if the hangar is privately owned. • While the FAA should have a policy limiting use of hangars on federally obligated airports to aviation uses, the proposed policy is too restrictive in defining what activities should be allowed.

Discussion of Comments and Final Policy

The following summary of comments reflects the major issues raised and does not restate each comment received. The FAA considered all comments received even if not specifically identified and responded to in this notice. The FAA discusses revisions to the policy based on comments received. In addition, the FAA will post frequently asked Questions and Answers regarding the Hangar Use Policy on [www.faa.gov/ airport compliance](http://www.faa.gov/airport-compliance). These Questions and Answers will be periodically updated until FAA Order 5190.6B is revised to reflect the changes in this notice.

1. **Comment:** Commenters stated that the FAA should defer to local government and leave all regulation of hangar use to the airport operator.
Response: The FAA has a contract with the sponsor of an obligated airport, either through AIP grant agreements or a surplus property deed, to limit the use of airport property to certain aviation purposes. Each sponsor of an obligated airport has agreed to these terms. The FAA relies on each airport sponsor to comply with its obligations under this contract. To maintain a standardized national airport system and standardized practices in each of

the FAA's nine regional offices, the agency issues guidance on its interpretation of the requirements of the AIP and surplus property agreements. It falls to the local airport sponsor to implement these requirements. The FAA allows airport sponsors some flexibility to adapt compliance to local conditions at each airport. However, some airport sponsors have adopted hangar use practices that led to airport users to complain to the FAA. Some airport users have complained that sponsors are too restrictive, and fail to allow reasonable aviation-related uses of airport hangars. More commonly, aircraft owners have complained that hangar facilities are not available for aircraft storage because airport sponsors have allowed the use of hangars for purposes that are unrelated to aviation, such as operating a non-aviation business or storing multiple vehicles. By issuing the July 2014 notice, the FAA intended to resolve both kinds of complaints by providing guidance on appropriate management of hangar use. The agency continues to believe that FAA policy guidance is appropriate and necessary to preserve reasonable access to aeronautical facilities on federally obligated airports. However, the final policy has been revised in response to comments received on the proposal.

2. **Comment:** Commenters, including AOPA, stated that the FAA lacks the authority to regulate the use of privately owned hangars.

Response: The FAA has a statutory obligation to assure that facilities on aeronautically designated land at federally obligated airports are reasonably available for aviation use. Designated aeronautical land on a federally obligated airport is a necessary part of a national system of aviation facilities. Land designated for aeronautical use offers access to the local airfield taxiway and runway system. Land designated for aeronautical use is also subject to certain conditions, including FAA policies concerning rates and charges (including rental rates) which were designed to preserve access for aeronautical users and to support aeronautical uses. A person who leases aeronautical land on the airport to build a hangar accepts conditions that come with that land in return for the special benefits of the location. The fact that the tenant pays the sponsor for use of the hangar or the land does not affect the agreement between the FAA and the sponsor that the land be used for aeronautical purposes. (In fact, most hangar owners do not have fee ownership of the property; typically airport structures revert to ownership of the airport sponsor upon expiration of the lease term). An airport sponsor may choose to apply different rules to hangars owned by the sponsor than it does to privately constructed hangars, but the obligations of the sponsor Grant Assurances and therefore the basic policies on aeronautical use stated in this notice, will apply to both.

3. **Comment:** Commenters believe that a policy applying the same rules to all kinds of aeronautical structures, and to privately owned hangars as well as sponsor-owned hangars, is too general. The policy should acknowledge the differences between categories of airport facilities.

Response: A number of commenters thought that rules for use of privately constructed and owned hangars should be less restrictive than rules for hangars leased from the airport sponsor. The Leesburg Airport Commission commented that there are different kinds of structures on the airport, with variations in rental and ownership interests, and that the FAA's policy should reflect those differences. The FAA acknowledges that ownership or lease rights and the uses made of various aeronautical facilities at airports will vary. The agency expects that airport sponsors' agreements with tenants would reflect those differences. The form of property interest, be it a leasehold or ownership of a hangar, does not affect the obligations of the airport sponsor under the Grant Assurances. All facilities on designated aeronautical land on an obligated airport are subject to the requirement that the facilities be available for aeronautical use.

4. **Comment:** Commenters agree that hangars should be used to store aircraft and not for non-aviation uses, but, they argue the proposed policy is too restrictive on the storage of non-aviation related items in a hangar along with an aircraft. A hangar with an aircraft in it still has a large amount of room for storage and other incidental uses, and that space can be used with no adverse effect on the use and storage of the aircraft.

Response: In response to the comments, the final policy deletes the criteria of "incidental" or "de minimis" use and simply requires that non-aviation storage in a hangar not interfere with movement of aircraft in or out of the hangar, or impede access to other aeronautical contents of the hangar. The policy lists specific conditions that would be considered to interfere with aeronautical use. Stored non-aeronautical items would be considered to interfere with aviation use if they: Æ Impede the movement of the aircraft in and out of the hangar; Æ Displace the aeronautical contents of the hangar. (A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft); Æ Impede access to aircraft or other aeronautical contents of the hangar; Æ Are used for the conduct of a non-aeronautical business or municipal agency function from the hangar (including storage of inventory); or Æ Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances. Note: Storage of equipment associated with an aeronautical activity (e.g., skydiving, ballooning, gliding) would be considered an aeronautical use of a hangar.

5. **Comment:** Commenters stated the policy should apply different rules to situations where there is no aviation demand for hangars, especially when hangars are vacant and producing no income for the sponsor.

Response: At some airports, at some times, there will be more hangar capacity than needed to meet aeronautical demand, and as a result there will be vacant hangars. The FAA agrees that in such cases it is preferable to make use of the hangars to generate revenue for the airport, as long as the hangar capacity can be recovered on relatively short notice for aeronautical use when needed. See Order 5190.6B, paragraph 22.6. The final policy adopts a provision modeled on a leasing policy of the Los Angeles County Airport Commission, which allows month-to-month leases of vacant hangars for any purpose until a request for aeronautical use is received. The final policy requires that a sponsor request FAA approval before implementing a similar leasing plan:

- The airport sponsor may request FAA approval of a leasing plan for the lease of vacant hangars for non-aeronautical use on a month-to-month basis.
- The plan may be implemented only when there is no current aviation demand for the vacant hangars.
- Leases must require the non-aeronautical tenant to vacate the hangar on 30 days' notice, to allow aeronautical use when a request is received.
- Once the plan is approved, the sponsor may lease vacant hangars on a 30 days' notice without further FAA approval. The agency believes this will allow airports to obtain some financial benefit from vacant hangars now, while allowing the hangars to be quickly returned to aeronautical use when needed. FAA pre-approval of a month-to-month leasing plan will minimize the burden on airport sponsors and FAA staff since it is consistent with existing interim use guidance.

6. **Comment:** Commenter indicates that the terms "incidental use" and "insignificant amount of space" are too vague and restrictive.

Response: The FAA has not used these terms in the final policy. Instead, the policy lists specific prohibited conditions that would be considered to interfere with aeronautical use of a hangar.

7. **Comment:** Commenter states Glider operations require storage of items at the airport other than aircraft, such as tow vehicles and towing equipment. This should be an approved use of hangars.

Response: Tow bars and glider tow equipment have been added to the list of examples of aeronautical equipment. Whether a vehicle is dedicated to use for glider towing is a particular fact that can be determined by the airport sponsor in each case. Otherwise the general rules for parking a vehicle in a hangar would apply.

8. **Comment:** Commenter states it should be clear that it is acceptable to park a vehicle in the hangar while the aircraft is out of the hangar being used.

Response: The final policy states that a vehicle parked in the hangar, while the vehicle owner is using the aircraft will not be considered to displace the aircraft, and therefore is not prohibited.

9. **Comment:** Commenters, including Experimental Aircraft Association (EAA), stated that aviation museums and non-profit organizations that promote aviation should not be excluded from hangars.

Response: Aviation museums and other non-profit aviation-related organizations may have access to airport property at less than fair market rent, under section VII.E of the FAA Policy and Procedures Concerning the Use of Airport Revenue. (64 FR 7710, February 16, 1999). However, there is no special reason for such activities to displace aircraft owners seeking hangar space for storage of operating aircraft, unless the activity itself involves use and storage of aircraft. Accordingly, aviation museums and non-profit organizations will continue to have the same access to vacant hangar space as other activities that do not actually require a hangar for aviation use, that is, when there is no aviation demand (aircraft storage) for those hangars and subject to the discretion of the airport operator.

10. **Comment:** Commenters suggest that the policy should allow a 'grace period' for maintaining possession of an empty hangar for a reasonable time from the sale of an aircraft to the purchase or lease of a new aircraft to be stored in the hangar.

Response: The FAA assumes that airport lease terms would include reasonable accommodation for this purpose and other reasons a hangar might be empty for some period of time, including the aircraft being in use or at another location for maintenance. The reasons for temporary hangar vacancy and appropriate "grace periods" for various events depend on local needs and lease policies, and the FAA has not included any special provision for grace periods in the final policy.

11. **Comment:** Commenters believe that the policy should allow some leisure spaces in a hangar, such as a lounge or seating area and kitchen, in recognition of the time many aircraft owners spend at the airport, and the benefits of an airport community.

Response: The final policy does not include any special provision for lounge areas or kitchens, either specifically permitting or prohibiting these areas. The policy requires only that any non-aviation related items in a hangar not interfere in any way with the primary use of the hangar for aircraft storage and movement. The airport sponsor is expected to have lease provisions and regulations in place to assure that items located in hangars do not interfere with this primary purpose.

12. **Comment:** Commenters, including EAA, stated that all construction of an aircraft should be considered aeronautical for the purpose of hangar use, because building an aircraft is an inherently aeronautical activity. The policy should at least allow for use of a hangar at a much earlier stage of construction than final assembly.

Response: The FAA has consistently held that the need for an airport hangar in manufacturing or building aircraft arises at the time the components of the aircraft are assembled into a completed aircraft. Prior to that stage, components can be assembled off-airport in smaller spaces. This determination has been applied to both commercial aircraft manufacturing as well as homebuilding of experimental aircraft. A large majority of the more than 2,400 public comments received on the notice argued that aircraft construction at any stage is an aeronautical activity. The FAA recognizes that the construction of amateur-built aircraft differs from large-scale, commercial aircraft manufacturing. It may be more difficult for those constructing amateur built or kit-built aircraft to find alternative space for construction or a means to ultimately transport completed large aircraft components to the airport for final assembly, and ultimately for access to taxiways for operation. Commenters stated that in many cases an airport hangar may be the only viable location for amateur-built or kit-built aircraft construction. Also, as noted in the July 2014 notice, many airports have vacant hangars where a lease for construction of an aircraft, even for several years, would not prevent owners of operating aircraft from having access to hangar storage. Accordingly, the FAA will consider the construction of amateur-built or kit-built aircraft as an aeronautical activity. Airport sponsors must provide reasonable access to this class of users, subject to local ordinances and building codes. Reasonable access applies to currently available facilities; there is no requirement for sponsors to construct special facilities or to upgrade existing facilities for aircraft construction use. Airport sponsors are urged to consider the appropriate safety measures to accommodate aircraft construction. Airport sponsors leasing a vacant hangar for aircraft construction also are urged to incorporate progress benchmarks in the lease to ensure the construction project proceeds to completion in a reasonable time. The FAA's policy with respect to commercial aircraft manufacturing remains unchanged.

13. **Comment:** Commenter suggests that the time that an inoperable aircraft can be stored in a hangar should be clarified, because repairs can sometimes involve periods of inactivity.

Response: The term "operational aircraft" in the final policy does not necessarily mean an aircraft fueled and ready to fly. All operating aircraft

experience downtime for maintenance and repair, and for other routine and exceptional reasons. The final policy does not include an arbitrary time period beyond which an aircraft is no longer considered operational. An airport operator should be able to determine whether a particular aircraft is likely to become operational in a reasonable time or not, and incorporate provisions in the hangar lease to provide for either possibility.

14. **Comment:** Commenter suggests that the FAA should limit use of hangars on an obligated airport as proposed in the July 2014 notice. Airport sponsors frequently allow non-aeronautical use of hangars now, denying the availability of hangar space to aircraft owners.

Response: Some commenters supported the relatively strict policies in the July 2014 notice, citing their experience with being denied access to hangars that were being used for non-aviation purposes. The FAA believes that the final policy adopted will allow hangar tenants greater flexibility than the proposed policy in the use of their hangars, but only to the extent that there is no impact on the primary purpose of the hangar. The intent of the final policy is to minimize the regulatory burden on hangar tenants and to simplify enforcement responsibilities for airport sponsors and the FAA, but only as is consistent with the statutory requirements for use of federally obligated airport property

Final Policy: In accordance with the above, the FAA is adopting the following policy statement on use of hangars at federally obligated airports:

Use of Aeronautical Land and Facilities Applicability

This policy applies to all aircraft storage areas or facilities on a federally obligated airport unless designated for non-aeronautical use on an approved Airport Layout Plan or otherwise approved for non-aviation use by the FAA. This policy generally refers to the use of hangars since they are the type of aeronautical facility most often involved in issues of non-aviation use, but the policy also applies to other structures on areas of an airport designated for aeronautical use. This policy applies to all users of aircraft hangars, including airport sponsors, municipalities, and other public entities, regardless of whether a user is an owner or lessee of the hangar.

I. General

The intent of this policy is to ensure that the federal investment in federally obligated airports is protected by making aeronautical facilities available to aeronautical users, and by ensuring that airport sponsors receive fair market value for use of airport property for non-aeronautical purposes. The policy implements several Grant Assurances, including Grant Assurance 5, Preserving Rights and Powers; Grant Assurance 22, Economic Nondiscrimination; Grant Assurance 24, Fee and Rental Structure; and Grant Assurance 25, Airport Revenues.

II. Standards for Aeronautical Use of Hangars

a. Hangars located on airport property must be used for an aeronautical purpose, or be available for use for an aeronautical purpose, unless otherwise approved by the FAA Office of Airports as described in Section III.

b. Aeronautical uses for hangars include:

1. Storage of active aircraft.
2. Final assembly of aircraft under construction.
3. Non-commercial construction of amateur-built or kit-built aircraft.
4. Maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.

5. Storage of aircraft handling equipment, e.g., towbars, glider tow equipment, workbenches, and tools and materials used in the servicing, maintenance, repair or outfitting of aircraft.

c. Provided the hangar is used primarily for aeronautical purposes, an airport sponsor may permit non-aeronautical items to be stored in hangars provided the items do not interfere with the aeronautical use of the hangar.

d. While sponsors may adopt more restrictive rules for use of hangars, the FAA will generally not consider items to interfere with the aeronautical use of the hangar unless the items:

1. Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents of the hangar.

2. Displace the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.

3. Impede access to aircraft or other aeronautical contents of the hangar.

4. Are used for the conduct of a non-aeronautical business or municipal agency function from the hangar (including storage of inventory).

5. Are stored in violation of airport rules and regulations, lease provisions, building codes or local ordinances.

e. Hangars may not be used as a residence, with a limited exception for sponsors providing an on-airport residence for a full-time airport manager, watchman, or airport operations staff for remotely located airports. The FAA differentiates between a typical pilot resting facility or aircrew quarters versus a hangar residence or hangar home. The former is designed to be used for overnight and/or resting periods for aircrew, and not as a permanent or even temporary residence. See FAA Order 5190.6B paragraph 20.5(b) f. This policy applies regardless of whether the hangar occupant leases the hangar from the airport sponsor or developer, or the hangar occupant constructed the hangar at the occupant's own expense while holding a ground lease. When land designated for aeronautical use is made available for construction of hangars. Hangars built on the land are subject to the sponsor's obligations to use aeronautical facilities for aeronautical use

III. Approval for Non-Aeronautical Use of Hangars

A sponsor will be considered to have FAA approval for non-aeronautical use of a hangar in each of the following cases:

a. FAA advance approval of an interim use: Where hangars are unoccupied and there is no current aviation demand for hangar space, the airport sponsor may request that FAA Office of Airports approve an interim use of a hangar for non-aeronautical purposes for a period of 3 to 5 years. The FAA will review the request in accordance with Order 5190.6B paragraph 22.6. Interim leases of unused hangars can generate revenue for the airport and prevent deterioration of facilities. Approved interim or concurrent revenue-production uses must not interfere with safe and efficient airport operations and sponsors should only agree to lease terms that allow the hangars to be recovered on a 30 days' notice for aeronautical purposes. In each of the above cases, the airport sponsor is required to charge non-aeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

b. FAA approval of a month-to-month leasing plan: An airport sponsor may obtain advance written approval month-to-month leasing plan for non-aeronautical use of vacant facilities from the local FAA Office of Airports. When there is no current aviation demand for vacant hangars, the airport sponsor may request FAA approval of a leasing plan for the lease of vacant hangars for non-aeronautical use on a month-to-month basis. The plan must provide for leases that include an enforceable provision that the tenant will vacate the hangar on a 30-day notice. Once the plan is approved, the sponsor may lease vacant hangars on a 30-day notice basis without further FAA approval. If the airport sponsor receives a request for aeronautical use of the hangar and no other suitable hangar space is available, the sponsor will notify the month-to-month tenant that it must vacate. A sponsor's request for approval of an interim use or a month-to-month leasing plan should include or provide for:

- (1) an inventory of aeronautical and non-aeronautical land/uses,
- (2) information on vacancy rates;
- (3) the sponsor's procedures for accepting new requests for aeronautical use; and

(4) assurance that facilities can be returned to aeronautical use when there is renewed aeronautical demand for hangar space. In each of the above cases, the airport sponsor is required to charge non-aeronautical fair market rental fees for the non-aeronautical use of airport property, even on an interim basis. (64 FR 7721).

c. Other cases: Advance written release by the FAA for all other non-aeronautical uses of designated aeronautical facilities. Any other non-aeronautical use of a designated aeronautical facility or parcel of airport land requires advance written approval from the FAA Office of Airports in accordance with Order 5190.6B chapter 22.

IV. Use of Hangars for Construction of an Aircraft

Non-commercial construction of amateur-built or kit-built aircraft is considered an aeronautical activity. As with any aeronautical activity, an airport sponsor may lease or approve the lease of hangar space for this activity without FAA approval. Airport sponsors are not required to construct special facilities or upgrade existing facilities for construction activities. Airport sponsors are urged to consider the appropriate safety measures to accommodate these users. Airport sponsors also should consider incorporating construction progress targets in the lease to ensure that the hangar will be used for final assembly and storage of an operational aircraft within a reasonable term after project start.

V. No Right to Non-Aeronautical Use

In the context of enforcement of the Grant Assurances, this policy allows some incidental storage of non-aeronautical items in hangars that do not interfere with aeronautical use. However, the policy neither creates nor constitutes a right to store non-aeronautical items in hangars. Airport sponsors may restrict or prohibit storage of non-aeronautical items. Sponsors should consider factors such as emergency access, fire codes, security, insurance, and the impact of vehicular traffic on their surface areas when enacting rules regarding hangar storage. In some cases, permitting certain incidental non-aeronautical items in hangars could inhibit the sponsor's ability to meet obligations associated with Grant Assurance 19, Operations and Maintenance. To avoid claims of discrimination, sponsors should impose consistent rules for incidental storage in all similar facilities at the airport. Sponsors should ensure that taxiways and runways are not used for the vehicular transport of such items to or from the hangars.

VI. Sponsor Compliance Actions

a. It is expected that aeronautical facilities on an airport will be available and used for aeronautical purposes in the normal course of airport business, and that non-aeronautical uses will be the exception.

b. Sponsors should have a program to routinely monitor use of hangars and take measures to eliminate and prevent unapproved non-aeronautical use of hangars.

c. Sponsors should ensure that length of time on a waiting list of those in need of a hangar for aircraft storage is minimized.

d. Sponsors should also consider including a provision in airport leases, including aeronautical leases, to adjust rental rates to FMV for any non-incidental non-aeronautical use of the leased facilities. In other words, if a tenant uses a hangar for a non-aeronautical purpose in violation of this policy, the rental payments due to the sponsor would automatically increase to a FMV level.

e. FAA personnel conducting a land use or compliance inspection of an airport may request a copy of the sponsor's hangar use program and evidence that the sponsor has limited hangars to aeronautical use.

The FAA may disapprove an AIP grant for hangar construction if there are existing hangars at the airport being used for non-aeronautical purposes.

Issued in Washington, DC, on the 9th of June 2016. Robin K. Hunt, Acting Director, Office of Airport Compliance and Management Analysis. [FR Doc. 2016-14133 Filed 6-14-16; 8:45 am] BILLING CODE 4910-13-P



The City of Durant

Memorandum

Date: 11/9/2021
To: Mayor and City Council
From: John Wyatt, Manager
Re: Airport Monthly Report - October 2021

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

1. Airport Monthly Report - October 2021

Durant Airport Monthly Report –October 2021

Airport Monthly Sales

• Avgas 100LL -	2,198.9 Gallons	\$ 10,358.48
• Jet A w/Additive-	14,346 Gallons	\$ 54,489.29
• Self Serv 100LL	1890.92 Gallons	\$ 8,685.16
• Total fuel Sales –	18,435.82 Gallons	\$ 73,532.93
• Total Number of Sales-	152	
• Parking/Misc - \$	\$ 875.00	
• Total Sales		\$74,407.93

Hangers –rented and collected on 2 for \$540.00

Incidents-

Project status:

- 1- Been watching fuel levels and working with Innovative Fueling Solutions to correct some of the issues related to the installation. I have them in agreement to correct installation errors.
- 2- Been working with Air Evac for a year now to get everything in order to have them Base at Durant Regional Airport.
- 3- Airport Frequency change went smooth and we are officially utilizing 123.05 mhz
- 4- Rules and Regulations submittal to Airport Authority
- 5- Candy Bomber event update