



WILLISTON BASIN
INTERNATIONAL AIRPORT

421 Airport Road
P.O. Box 1306
Williston, ND 58802
701-774-8594

General Provisions

City of Williston

Williston Basin International Airport (XWA)

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1. GENERAL PROVISIONS

1.1. Purpose

- 1.1.1. These General Provisions set forth those provisions which are common to all General Aviation Primary Guiding Documents (Primary Guiding Documents). In addition, the key words or phrases utilized throughout the Williston Basin International Airport (Airport) Primary Guiding Documents are defined in these General Provisions.

1.2. Definitions

- 1.2.1. The terms defined in Section 2 (Definitions) and identified by use of a capital letter, whenever used in the Primary Guiding Documents, shall be construed as defined therein unless (from the context) a different meaning is intended or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.
- 1.2.2. Where the context requires, the use of singular numbers, nouns, or pronouns shall include the plural and vice versa and the use of pronouns of any gender shall include the other gender.
- 1.2.3. Words or phrases that are not defined shall be construed consistent with common meaning or as generally understood throughout the aviation industry.

1.3. Governing Body

- 1.3.1. The Airport is owned and operated by the City of Williston (City). The authority to: (a) lease Airport land and/or Improvements, (b) allow the occupancy and/or development of Airport land or Improvements, (c) grant the right to engage in any Activity at the Airport, and (d) implement, supplement, amend, modify, approve, or adopt any Agreement, policy, standard, rule, regulation, or directive including the Primary Guiding Documents is expressly reserved to the City.

1.4. Authority to Adopt

- 1.4.1. The authority to adopt the Primary Guiding Documents is delegated to the City by the North Dakota Century Code 40-05-01.58, which states “the governing body of a municipality shall have the power to acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields within or without the geographic limits of the municipality as provided in Title 2.”

1.5. Statement of Policy

- 1.5.1. It is the desire of the City to: (a) plan, develop, operate, and manage the Airport in such a manner so as to ensure the long-term financial health of the Airport, (b) protect and promote the health, safety, security, and general welfare of the public at the Airport, and (c) encourage the provision of the type, level, and quality General Aviation products, services, and facilities desired by the public at the Airport.

- 1.5.1.1. For situations not specifically addressed in the Primary Guiding Documents, the Airport Director is authorized to make such rules and regulations, render such decisions as may be appropriate given the situation and/or circumstances, or make and publish directives pertaining to the use of the Airport.
 - 1.5.2. As set forth by the Federal Aviation Administration (FAA), by way of the Airport Sponsor Assurances, any airport developed with federal grant assistance is required to operate for the use and benefit of the public and shall be made available to all types, kinds, and classes of Aeronautical Activity on reasonable terms and without unjust discrimination.
- 1.6. Non-Discrimination**
 - 1.6.1. No person shall, in the use of the Airport or the Improvements located at the Airport, discriminate against any person or class of persons by reason of race, color, religion, sex, national origin, age, or disability in providing any products or services or in the use of any of the Airport's facilities provided for the public, or in any manner prohibited by applicable Regulatory Measures including 49 CFR Part 21 Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, as amended or reenacted.
- 1.7. Airport Management**
 - 1.7.1. The Airport Director is responsible for the planning, development, operation, management, maintenance, and security of the Airport and all City owned and operated land, Improvements, facilities, Vehicles, and equipment associated with the Airport.
 - 1.7.2. The City has authorized the Airport Director to: (a) negotiate, interpret, administer, and enforce Agreements and the Primary Guiding Documents, (b) allow, where and when appropriate, temporary, short-term occupancy or use of certain Airport land or Improvements, and (c) obtain and receive copies of all applications, proposals, licenses, permits, certifications, ratings, Certificates of Insurance, and other documents required to be provided to or filed with the City in accordance with the Primary Guiding Documents.
 - 1.7.3. All inquiries regarding the Primary Guiding Documents and/or compliance therewith shall be directed to the Airport Director.
- 1.8. Effective Date**
 - 1.8.1. The Primary Guiding Documents shall be in effect and shall remain in effect, unless repealed by the City, from the date of adoption by the City.
- 1.9. Compliance with Regulatory Measures and Agreements**
 - 1.9.1. All entities leasing, occupying, and/or developing Airport land and/or Improvements and/or engaging in an Aeronautical Activity at the Airport shall comply, at the entity's sole cost and expense, with all applicable Regulatory Measures including, without limitation, those of federal, state, and local government and any other Agency having jurisdiction over the Airport, the Operators, Lessees, and Sublessees operating at the Airport, and the activities occurring at the Airport.

- 1.9.2. No existing or future Agreement, nor any payment or performance required there under, shall excuse any entity from compliance with the Primary Guiding Documents.
- 1.9.3. Compliance with the Primary Guiding Documents shall not excuse any entity from compliance with any responsibility or obligation the entity may have to the City under any existing Agreement.

1.10. *Conflicting Regulatory Measures and Agreements*

- 1.10.1. If any provision of the Primary Guiding Documents is found to be in conflict with any other City policy, standard, rule, regulation, or directive, any provision of any applicable Regulatory Measure, or any provision of an existing or future Agreement (if provided for in the Agreement), the provision that establishes the higher or stricter standard shall prevail.

1.11. *Right to Self-Service*

- 1.11.1. An Aircraft Owner or the Aircraft Owner's Employees may perform services (fueling, maintenance, or repair) on the Aircraft Owner's Aircraft utilizing the Aircraft Owner's Vehicles, equipment, and resources (Self-Service). An Aircraft Owner or the Aircraft Owner's Employees are permitted to perform such services on the Aircraft Owner's Aircraft provided there is no attempt to perform such services for others for Compensation and further provided that such right is conditioned upon compliance with the Primary Guiding Documents and all applicable Regulatory Measures.

- 1.11.1.1. If the right to Self-Service is not exercised, an Aircraft Owner is only permitted to have the Aircraft Owner's Aircraft fueled, maintained, repaired, or otherwise serviced at the Airport by those Operators authorized by the City to engage in such Commercial Activities at the Airport.

- 1.11.1.2. An Operator may restrict the use of its exclusive Leased Premises for Self-Service activities.

1.12. *Prohibited Activities*

- 1.12.1. Through-the-Fence activities are prohibited.
- 1.12.2. Co-Op Fueling is prohibited.

1.13. *Fines or Penalties*

- 1.13.1. Entities shall have the responsibility to pay any fine or penalty levied against entity, the Airport, or the City, (or representatives, officers, officials, employees, agents, and volunteers thereof), individually or collectively, as a result of entity's failure to comply with any applicable Regulatory Measure.
- 1.13.2. If the fine or penalty is contestable (and contested by entity), entity shall pay the fine or penalty if upheld by the Agency having jurisdiction.

1.14. *Severability*

- 1.14.1. If any provision of the Primary Guiding Documents shall be held to be unlawful, invalid, or unenforceable by final judgment of any Agency or court of competent jurisdiction, the invalidity, voiding, or unenforceability of such provision shall not in any way affect the validity of any other provisions of the Primary Guiding Documents.

1.15. Subordination

1.15.1. The Primary Guiding Documents are subject and subordinate to the provisions of any existing or future agreements between the City and the State of North Dakota or the United States Government pertaining to the planning, development, operation, and management of the Airport and are specifically subordinated to, and shall be construed in accordance with, the Airport Sponsor Assurances and other FAA compliance requirements.

1.16. Notices, Requests for Approval, Applications, and Other Filings

1.16.1. Any notice, request for approval, application, or other filing required or permitted to be given or filed with the City and any notice or communication required or permitted to be given or filed with any existing or prospective Operator, Lessee, or Sublessee pursuant to the Primary Guiding Documents shall be in writing, signed by the party giving such notice, and shall be sent by overnight courier, United States certified mail, facsimile (confirmed by dated return signature), email (confirmed by return email), or in person (confirmed by dated and signed receipt), and shall be deemed to have been given when delivered to the Airport Director on behalf of the City or existing or prospective Operator, Lessee, or Sublessee at its principal place of business or such other address as may have been provided.

1.17. Amendments

1.17.1. The Primary Guiding Documents may be supplemented, amended, or modified from time to time and in such a manner and to such extent as deemed appropriate or necessary by the City.

1.17.1.1. The Airport Director may provide for public notification of pending supplements, amendments, or modifications to the Primary Guiding Documents in order to provide the opportunity for public comment.

1.17.2. The Airport Director may issue special policies, standards, rules, regulations, or directives from time to time as deemed appropriate or necessary.

1.18. Variance or Exemption

1.18.1. The City may, but is not obligated, to approve variances or exemptions to the Primary Guiding Documents when special conditions, unusual situations, or unique circumstances exist.

1.18.2. Prior to the City approving or denying a variance or exemption, the Airport Director shall conduct a review of all relevant information including those items described in Section 1.18.4 of these General Provisions as well as any other information that may be requested or required by the Airport Director.

1.18.3. Approval or denial by the City of a variance or exemption shall be reasonable, not unjustly discriminatory, and consistent with prior decisions involving similar conditions, situations, or circumstances at the Airport (if any) and shall be provided in writing within 90 calendar days from the receipt of the written request.

- 1.18.3.1. If approved, the variance or exemption shall only apply to the special conditions, unusual situations, or unique circumstances of the particular case for which the variance or exemption is granted and only for the duration specified.
- 1.18.3.2. An approval by the City of a variance or exemption shall not serve to amend, modify, or alter the Primary Guiding Documents or any existing Agreement.
- 1.18.3.3. Requests for variance or exemption can also be denied in accordance with Section 1.23 of these General Provisions
- 1.18.4. Requests for variance or exemption shall be submitted in writing to the Airport Director and must state the specific provision(s) for which the variance or exemption is being sought, describe the proposed variance or exemption, state the reason for the proposed variance or exemption, identify the anticipated impact on the Airport (and other entities including Operators, Lessees, Sublessees, users of the Airport, and the public), and identify the duration of the proposed variance or exemption.
 - 1.18.4.1. Multiple variances or exemptions may be submitted in writing to the Airport Director.
 - 1.18.4.2. Each variance or exemption shall be approved or denied separately.

1.19. Pioneering Period

- 1.19.1. When a specific product, service, or facility is not currently being provided at the Airport, the City may enter into an Agreement with an Operator under terms and conditions that may be less than those outlined in the Primary Guiding Documents for a limited period of time known as a pioneering period. The duration of the pioneering period shall be specified in the Agreement.

1.20. Enforcement

- 1.20.1. The Airport Director is empowered by the City to require compliance with and enforce the Primary Guiding Documents.
- 1.20.2. The City of Williston Fire Department (Fire Department) is authorized to enforce all fire and Hazardous Materials related Regulatory Measures.
- 1.20.3. The City of Williston Police Department (Police Department) is authorized to enforce all Regulatory Measures within the Agency's jurisdiction.
- 1.20.4. The City of Williston Department of Building Safety is authorized to require compliance with matters involving on-Airport construction.
- 1.20.5. Violation of the Primary Guiding Documents may result in revocation of access or use privileges, termination of any Agreement, denial of use of the Airport, and/or prosecution under the applicable Regulatory Measure.

1.21. Disputes

- 1.21.1. Any party aggrieved by a decision of airport management may appeal (in writing) such decision to the Airport Director within 14 calendar days after such decision is issued. Any claim not timely submitted to the Airport Director is waived.

- 1.21.1.1. The Airport Director shall respond to such written claim within 30 calendar days of the receipt of the claim by either (a) making a written determination with respect to the claim, or (b) making a written request for additional information. If requested, the party shall provide all requested additional information within 14 calendar days of the date of the Airport Director's request or the claim is waived. Thereafter, the Airport Director shall make a written determination with respect to the claim within 30 calendar days after receipt of the additional information. In either case, the Airport Director's written determination shall be final and conclusive unless within 30 calendar days from the date of the Airport Director's written determination, the party requests, in writing, an appeal to the City stating specifically all grounds of appeal.
- 1.21.2. The City shall use its best efforts to hear any such appeal within 120 calendar days after the City's receipt of the written appeal. At such hearing, the party shall be afforded such opportunity to be heard and to offer relevant evidence in support of its appeal, as may be determined by the City in its sole discretion.
 - 1.21.2.1. The decision of the City shall be final and conclusive.
- 1.21.3. The party shall diligently continue performance of its Agreement with the City, in compliance with the Primary Guiding Documents, regardless of whether or not a dispute is pending or being appealed, and regardless of the outcome of such dispute or appeal.

1.22. Rights and Privileges Reserved

- 1.22.1. In this section, the term "activity" is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.
- 1.22.2. In addition to the following rights and privileges, the City reserves the rights and privileges outlined under federal and/or state Airport Sponsor Assurances as such rights and privileges may be amended from time to time.
 - 1.22.2.1. Nothing contained within the Primary Guiding Documents shall be construed to limit the use of any area of the Airport by the City (and its representatives, officers, officials, employees, agents, and volunteers) or to prevent any FAA, Department of Homeland Security, Transportation Security Administration, Police Department, or Fire Department personnel from acting in official capacities.
 - 1.22.2.2. The City reserves the right for the use of the Airport by others who may desire to use the same pursuant to applicable Regulatory Measures pertaining to the Airport and such use.

- 1.22.2.3. The City reserves the right to designate specific Airport areas for activities in accordance with the currently adopted Airport Layout Plan (ALP). Such designation shall give consideration to the nature and extent of current and/or future activities and the land and/or Improvements that may be available and/or used for specific activities and shall be consistent with the safe, secure, orderly, and efficient use of the Airport.
- 1.22.2.4. It is the policy of the City that any occupancy, use, and/or development (construction or modification) of land and/or Improvements that is inconsistent with the ALP is undesirable. Any development that is substantially different than that depicted on the ALP could adversely affect the safe, secure, orderly, or efficient use of the Airport. Nothing contained in the Primary Guiding Documents of the Airport shall require or obligate the City to apply to the FAA for approval of the revision of the ALP on behalf of a current or prospective Operator, Lessee, Sublessee, or user of the Airport.
- 1.22.2.5. The City reserves the right to develop and make any Improvements and/or repairs at the Airport that it deems necessary. The Airport Director will provide advance notice of the date and time to impacted parties that such development, improvements, and/or repairs will be made. The City shall not be obligated to reimburse or compensate any Operator, Lessee, Sublessee, or other entity for any cost and/or expense incurred, loss of revenue, or inconvenience that may result from such development, improvement, and/or repair.
- 1.22.2.6. The City (and its representatives, officers, officials, employees, agents, and volunteers) shall not be responsible for loss, injury, or damage to persons or Property at the Airport related in any way to any natural disaster or illegal activity.
- 1.22.2.7. The Airport Director reserves the right to prohibit any entity from using the Airport or engaging in activities at the Airport (and/or the Airport Director may suspend and/or revoke any privileges granted to any entity) upon determination by the Airport Director that such entity has not complied with the Primary Guiding Documents, applicable Regulatory Measures, directives issued by the Airport Director, or has otherwise jeopardized the safety or security of entities utilizing the Airport or the land and/or Improvements located at the Airport.

- 1.22.2.8. During time of war or national emergency, the City shall have the right to enter into an agreement with the United States Government for military use of part or all of the landing area, the publicly owned air navigation facilities, and/or other areas or facilities of the Airport. If any such agreement is executed, any agreement between the City and an Operator or Lessee, insofar as it is inconsistent with the agreement between the City and the United States Government, shall be suspended, without any liability on the part of the City to the Operator or Lessee.
- 1.22.2.9. The City will not relinquish the right to take any action the City considers necessary to protect the aerial approaches of the Airport against obstruction or to prevent a person from erecting or permitting to be erected any facility or other structure which might limit the usefulness of the Airport or constitute a hazard to Aircraft.
- 1.22.2.10. The City will not waive any sovereign, governmental, or other immunity to which the City may be entitled nor shall any provision of any Agreement be so construed.
- 1.22.2.11. The City will not submit to the laws of any state other than those of the State of North Dakota.
- 1.22.2.12. The City is under no obligation to provide financing and/or make any improvements to Airport land and/or Improvements to facilitate any development or consummate any Agreement proposed by a current or prospective Operator, Lessee, or Sublessee.
 - 1.22.2.12.1. The City is under no obligation to: (a) pursue federal, state, or other available funds to contribute to such development or (b) provide matching funds to secure such funding.
- 1.22.2.13. The City reserves the right to take such actions as it may deem necessary, appropriate, and/or in the best interest of the City including preserving the assets of the City and the Airport, protecting the safety and security of the people who work at and/or use the Airport, and maintaining the integrity of the City's mission, vision, values, goals, and objectives for the City and the Airport.

1.23. Possible Grounds for Rejecting Application

- 1.23.1. In this section, the term “activity” is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.
- 1.23.2. The City may reject any proposal, request for variances or exemption assignment, change in majority ownership, encumbrance, or application for any one or more of the following reasons (as determined in the sole discretion of the City).
 - 1.23.2.1. The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the City as determined by the Airport Director. The burden of proof shall be on the entity and the standard of proof shall be by clear and convincing evidence.
 - 1.23.2.2. The proposed activities and/or Improvements, as determined by the Airport Director, will create a safety or security hazard at the Airport.
 - 1.23.2.3. The City would be required to expend funds and/or supply labor and/or materials in connection with the proposed activities and/or Improvements that the City is unwilling and/or unable to expend or supply.
 - 1.23.2.4. The financial plan associated with the proposed activities and/or Improvements is not realistic and attainable and/or will result in a financial operating loss or hardship for the entity.
 - 1.23.2.5. No appropriate, adequate, or available land and/or Improvement exists at the Airport to accommodate the proposed activity of the entity at the time the proposal or application is submitted, nor is such availability contemplated within a reasonable period of time.
 - 1.23.2.6. The proposed activities and/or Improvements do not comply with the Master Plan of the Airport or the ALP currently in effect or anticipated to be in effect.
 - 1.23.2.7. The entity’s occupancy, use, or development of Airport land and/or Improvements could be detrimental to the public, result in congestion of Aircraft, and/or negatively impact the safety and/or efficiency of the Airport, Operators, Lessees, Sublessees, or users of the Airport.
 - 1.23.2.8. The entity has intentionally or unintentionally misrepresented or omitted material fact in a proposal, in an application, and/or in supporting documentation.
 - 1.23.2.9. The entity has failed to make full disclosure in a proposal, in an application, and/or in supporting documentation.
 - 1.23.2.10. The entity or any officer, director, agent, representative, shareholder, or employee thereof has a record of violating the Regulatory Measures of the City, any other airport sponsor, the State of North Dakota, the FAA, or any other Regulatory Measure applicable to the Airport and/or the entity’s proposed activity.

- 1.23.2.11. The entity or any officer, director, agent, representative, shareholder, or employee thereof has defaulted in the performance of any Agreement or Sublease at the Airport or at any other airport.
- 1.23.2.12. The entity does not exhibit adequate financial capability, capacity, or responsibility to undertake and sustain the proposed activity.
- 1.23.2.13. The entity cannot obtain a bond or insurance in the type and amounts required by the City for the proposed activity.
- 1.23.2.14. The entity seeks terms and conditions which are inconsistent with the Primary Guiding Documents and/or any Request for Qualifications and/or Proposals (or any other document) issued by the City.
- 1.23.2.15. The entity's interests and/or the proposed activity or use is inconsistent with the mission, vision, values, goals, or objectives of the Airport; the best interest of the City; or, any Airport Sponsor Assurances.

2. DEFINITIONS AND ACRONYMS

Abandoned, Property, other than Aircraft or Vehicles, left at the Airport for 48 hours without the owner moving or claiming it.

Accident, A collision or other contact between any part of an Aircraft, Vehicle, equipment, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving Aircraft, Vehicle, or Equipment by a person which results in personal injury or death to such person or some other person or which results in Property damage.

Advisory Circular (AC), A document published by the Federal Aviation Administration providing guidance on aviation/airport issues/matters.

Aeronautical Activity (or Aeronautical Activities or Activity or Activities), Any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft. Any activity which contributes to, or is required for, the safety of such operations. Any activities which have a direct relationship to the operation of Aircraft or the operation of the Airport.

Affiliate, Any entity that shall directly or indirectly control, be under the control of, or be under common control with Operator. "Control" for these purposes shall mean the direct and indirect ownership of 50% or more of the outstanding voting stock of a corporation or 50% or more equity or controlling interest if not a corporation.

Agency, Any federal, state, or local governmental entity, unit, organization, or authority.

Agreement, A written contract (e.g., lease agreement, permit, etc.), enforceable by law, executed by both parties, between the City and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain Activities.

Air Carrier, An entity engaged in the operation of an Aircraft for the purpose of transporting passengers, mail, express, freight, or cargo, on a scheduled or non-scheduled basis, whose operation is either intrastate and interstate.

Air Operations Area (or AOA), A portion of an airport which includes Aircraft Movement Areas, Ramps, and safety areas, and any adjacent areas that are not separated by adequate security systems, measures, or procedures.

Air Traffic Control (or ATC), A service operated by an appropriate authority sanctioned and certified by the FAA for the control, separation, and movement of Aircraft in the air or on the ground.

Aircraft, A device that is used or intended to be used for flight in the air.

Aircraft and Passenger Liability, To include bodily injury, Property damage, and passenger injury for all owned, leased, or operated Aircraft.

Aircraft Design Group, A FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:

- Group I: Up to but not including 49 feet
- Group II: 49 feet up to but not including 79 feet
- Group III: 79 feet up to but not including 118 feet
- Group IV: 118 feet up to but not including 171 feet
- Group V: 171 feet up to but not including 214 feet
- Group VI: 214 feet up to but not including 262 feet

Aircraft Line Maintenance, Aircraft Maintenance typically required to return an Aircraft to service within a short period of time. Examples include, but are not limited to: replenishing lubricants, fluids, nitrogen, and oxygen; servicing of landing gear, tires, and struts; lubricating Aircraft components; and, avionics/instrument removal and/or replacement.

Aircraft Maintenance, The repair, maintenance, alteration, calibration, adjustment, preservation, or inspection of Aircraft airframe, powerplant, propeller, and accessories (including the replacement of parts) as described in 14 CFR Part 43.

Aircraft Operator, A person who uses, causes to be used, or authorizes to be used an Aircraft, with or without the right of legal control (as Owner, Lessee, or otherwise) for the purpose of air navigation including the piloting of Aircraft or the operation of Aircraft on any part of the surface of an airport.

Aircraft Rescue and Fire Fighting (or ARFF), Personnel, equipment, and facilities located on the Airport dedicated to dealing with Aircraft Accidents/incidents and all rescue and firefighting tasks, structural fires, and other firefighting or rescue emergency activities at an airport.

Airframe and Powerplant Mechanic (or A & P Mechanic), A person who holds an Aircraft mechanic certificate with both airframe and powerplant ratings. This certification is issued by the FAA under the provisions of 14 CFR Part 65.

Airport, All land, Improvements, and appurtenances within the legal boundaries as it now exists on the Airport Layout Plan (or Exhibit A of the most recent FAA grant) and as it may hereinafter be modified at Williston Basin International Airport (XWA).

Airport Certification Manual (or ACM), A manual developed by an airport that establishes responsibility, authority, and procedures for FAR Part 139 compliance. An ACM is required and approved by the FAA for airports served by scheduled Air Carrier Aircraft.

Airport Identification Badge, A media allowing access to certain parts of the Airport.

Airport Layout Plan, (or ALP), The FAA approved and City adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and City depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, nav aids, etc..

Airport Director, That person (or designated representative thereof), appointed by the City, responsible for the administration and day-to-day operation and management of the Airport, all City owned Property, Vehicles, equipment, material, financial assets, and Employees at the Airport, and all employees assigned to the Airport.

Airport Security Coordinator, An airport's primary security representative and point-of-contact for the Transportation Security Administration.

Airport Security Program (or ASP), The current Airport Security Program, as may be amended from time to time, approved by the Transportation Security Administration (if necessary), that specifies the systems, measures, and procedures that are used to meet an airport's regulatory and statutory responsibilities relating to airport security.

Airport Sponsor Assurances, Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of federal airport development grants or federal surplus Property.

Airside, The Runways for landing and taking off of Aircraft, designated helipads, Taxiways and Taxilanes for ground movement of Aircraft, and Ramp for parking, loading, unloading, fueling, and servicing of Aircraft.

Applicant, An entity desiring to use land and/or Improvements at the Airport to engage in an Aeronautical Activity(ies) and who shall apply in writing and in the manner or form prescribed herein for authorization to engage in such Activities at the Airport.

Appraiser, A person who possesses the education, training, experience, and professional qualifications necessary to render a properly informed opinion regarding the value of real estate.

Association, An entity legally formed and recognized under the laws of the State of North Dakota having an existence separate and apart from its members or shareholders (e.g., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

Avgas (or "Aviation Gasoline"), Fuel commonly utilized to power piston-engine Aircraft.

Based Aircraft, An Aircraft which has been or will be stored at the Airport for more than 183 calendar days over a one year period (including days that the Aircraft is operating off the Airport and not paying Based Aircraft storage rents or fees at another airport).

Business Automobile Liability, To include bodily injury and Property damage for all licensed Vehicles arising out of (or relating to) the use, loading, and unloading of owned, non-owned, or hired Vehicles.

Capital Investment, Any City approved expenditure made by an Operator or Lessee to: (a) the Operator's or Lessee's Leased Premises which will, at the end of the term of the Agreement, revert to the City and/or (b) Airport Infrastructure which will immediately revert to the City.

Certificates of Insurance, A certificate provided by and executed by an Operator's, Lessee's, or Sublessee's insurance company providing evidence of the insurance coverages and policy limits of the Operator, Lessee, or Sublessee.

City of Williston (City), The City of Williston is governed by and through the City of Williston City Commission.

City of Williston Department of Building Safety (or Building Department), The City Building Department provides building permits and inspections services to the City.

City of Williston Planning Department (or Planning Department), The City Planning Department provides zoning enforcement and other community services to the City.

City of Williston Police Department (or Police Department), The City Police Department provides law enforcement services as well as several other community services to the City.

Co-Op Fueling, The Fueling of an Aircraft by the Owner of the Aircraft or the Owner's Employee using Vehicles, Equipment, and resources owned by an approved Association.

Code of Federal Regulation (or CFR), The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government, divided into 50 titles that represent broad areas subject to federal regulation, updated once each calendar year and issued quarterly, as may be amended from time to time.

Commercial, For the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Commercial General Liability, For damages due to bodily injury, personal injury, Property damage, contractual liability, products and completed operations and, if applicable, use of unlicensed Vehicles that in any way arise from the use of the Leased Premises and operations or Activities of the entity. Unlicensed Vehicles operated on the Movement Area will require coverage in an amount not less than that identified for combined single limit per occurrence for bodily injury, personal injury, and Property damage.

Compensation, Any form of reimbursement for goods or services such as monetary, exchange, barter, favors, gratuity, etc.

Competitive Proposal Process, A process that is used to seek competitive proposals from qualified entities when land and/or Improvements are or become available at the Airport for occupancy or use.

Condemnation, The taking of land and/or Improvements for any public or quasi-public use under any Regulatory Measure or by the right of eminent domain.

Contiguous Land, Land that shares an edge or boundary or is separated by no more than a Taxilane.

Cost Approach, One of the three approaches to value that considers the current cost of replacing the Improvements located on the Leased Premises, depreciation, and the market value of land.

Courtesy Vehicle, A Vehicle used to transport passengers, crew, baggage, or goods, or any combination thereof, to and from destinations on the Airport to local resorts, hotels, restaurants, or other attractions for which no charge is levied (no Compensation is paid).

Current, All rents, fees, and other charges required to be paid under any and all Agreements are paid in full.

Department of Homeland Security (or DHS), A single, integrated executive department of the United States Government (combining federal, state, and local responsibilities under one Agency) which is focused on protecting the American people and the homeland. It was established by the Homeland Security Act of 2002.

Department of Transportation (or DOT), The Cabinet department of the United States Government concerned with transportation. It was established by an act of Congress on October 15, 1966 and began operation on April 1, 1967. It is administered by the United States Secretary of Transportation.

Development Standards, The parameters governing the design, construction, and/or modification of Operator, Lessee, and Sublessee land and/or Improvements at the Airport, as may be amended from time to time.

Emergency Public Service, Services provided to the general public including law enforcement (police), fire, rescue, and emergency medical or ambulatory transportation.

Emergency Vehicle, Vehicle of any Agency providing law enforcement, fire protection, rescue, emergency medical or ambulatory transportation, or any Vehicle conveying an airport official or an airport employee in response to an emergency call.

Employee, Any individual employed by an entity whereby said entity collects and pays all associated taxes on behalf of Employee. The determination of status between an Employee and an independent contractor shall be made according to current IRS codes.

Environmental Liability, To include liability for bodily injury, Property damage, and environmental damage resulting from sudden and accidental releases of pollution and covering related or resultant cleanup and/or remediation costs arising out of the occupancy and use of the Leased Premises.

Environmental Protection Agency (or EPA), The Agency within the United States Government having responsibility for enforcing the environmental regulations or laws enacted by Congress. It was established by an act of Congress on December 2, 1970.

Equipment, All Property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Exclusive Right, A power, privilege, or other right excluding or preventing another from enjoying or exercising a like power, privilege, or right. An Exclusive Right may be conferred either by express Agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an Exclusive Right. An Exclusive Right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an Exclusive Right to occupy real estate, which is permitted by federal regulation under certain conditions.

Federal Aviation Administration (or FAA), The Agency within the Department of Transportation of the United States Government that has the responsibility of regulating Aeronautical Activities. It was established by an act of Congress on April 1, 1967.

Federal Aviation Regulation (or FAR), Regulations prescribed by the FAA governing all aviation activities in the United States, which are written, approved, and published by the FAA. Compliance with FARs is mandatory. In 1996, all references to the FARs were changed to Title 14 of the Code of Federal Regulations (14 CFR).

Fixed Base Operator (or FBO), A Commercial Operator engaged in the sale of products and services and the renting or subleasing of facilities consistent with the General Aviation Minimum Standards.

Flight Training, The training, other than ground training, received from an authorized instructor in an Aircraft.

Fuel, Any substance (solid, liquid, or gaseous) used to operate any engine or motor in Aircraft, Vehicles, or equipment.

Fuel Handling, The transporting, delivering, fueling, dispensing, or draining of Fuel or Fuel waste products.

General Aviation, All aviation with exception of Air Carriers and the military.

General Aviation Leasing/Rents and Fees Policy, Sets forth the parameters for leasing Airport land and Improvements (for general aviation purposes) and outlines the process for establishing and adjusting General Aviation rents and fees at the Airport, as may be amended from time to time.

General Aviation Minimum Standards (or Minimum Standards), Those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as may be amended from time to time.

General Provisions, Provisions and definitions common to all the Primary Guiding Documents of the Airport, as may be amended from time to time.

Good Standing, Full compliance with all applicable Regulatory Measures and not in default of any Agreement with the City.

Hangar, Any fully or partially enclosed storage facility for an Aircraft.

Hangar Keeper's Legal Liability, To include Property damage for all non-owned Aircraft under the care, custody, and control of the Operator.

Hazardous Materials, A substance, item, or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors

Immediately, The ability to occupy Leased Premises and offer products, services, and/or facilities (to the public) on the effective date of the Agreement. When construction and/or alteration of facilities are involved, immediately shall mean the ability to obtain a certificate of occupancy from the authorizing Agency for the proposed facilities within 18 months following the possession of the Leased Premises.

Improvements, All buildings, structures, additions, and facilities including pavement, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

Infrastructure, Runways, Taxiways, Taxilanes, Ramps, nav aids, airport roadways, utilities, etc.

Jet Fuel, Fuel commonly utilized to power turbine-engine (Turboshaft, Turboprop, and Turbojet) Aircraft.

Landside, The portion of the Airport used for activities other than the movement of Aircraft, such as Vehicle access roads and parking.

Land Use Plan, A document approved by the FAA as part of the Airport Layout Plan used to guide land use surrounding the Airport.

Law Enforcement Officer, A public-sector employee or agent charged with upholding the peace who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties

Leased Premises, The land and/or Improvements used exclusively under Agreement by an Operator, Lessee, or Sublessee.

Lessee, An entity (other than a Licensee) that has entered into an Agreement to occupy, use, and/or develop land and/or Improvements.

Light Aircraft, Aircraft having a maximum takeoff weight of 12,500 pounds or less.

Limousine, A Vehicle, for hire, that is not configured with a taximeter. Transportation services using limousines are provided for unmetered predetermined rates.

Loitering, Remaining in an area for no obvious reason or not being able to give a satisfactory explanation of one's presence in an area.

Market Rent, The rent that land or Improvements would command in the open market as indicated by rents asked and paid for at comparable land or improvements as of the date of determination.

Master Plan, An assembly of documents and drawings (which have been approved by the FAA and adopted by the City) covering the development of the Airport from a physical, economic, social, and political jurisdictional perspective. The Airport Layout Plan is part of the Master Plan.

Movement Area, The Runways, Taxiways, and other areas of the Airport which are utilized for taxiing, hover taxiing, takeoff, and landing of Aircraft (exclusive of Aircraft parking, loading, unloading, fueling, and servicing areas) where Aircraft are moved with radio contact with ATC or other Aircraft. The Movement Area includes all areas under the direct and positive control of ATC. Specific approval for entry onto the movement area must be obtained from ATC.

National Fire Protection Association (or NFPA), All codes and standards contained in the Standards of the National Fire Protection Association, as may be amended from time to time.

Non-Commercial, Not for the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Non-Movement Area, Those portions of the Airport where Aircraft taxi or are moved without radio contact with ATC or other Aircraft.

Notice To Airmen (or NOTAM), Guidelines regarding aeronautical operations issued by a representative of the FAA, the Airport Director, ATC, or other authorized Agency.

Object Free Area, An area on the ground centered on a Runway, Taxiway, or Taxilane centerline provided to enhance the safety of aircraft operations by having the area free of object, except for objects that need to be located in the Object Free Area for air navigation or aircraft ground maneuvering purposes.

Operator, An entity that has entered into an Agreement with the City to engage in Commercial Aeronautical Activities at the Airport.

Owner, The registered legal Owner of an Aircraft according to FAA records or a Vehicle according to the applicable state Department of Motor Vehicle records.

Operations Department, Department of City responsible for Airport safety and security.

Passenger Terminal Building, The building at an airport where the passenger processes of ticketing, baggage check-in, security screening, Aircraft boarding, baggage claim, customs, and immigration are accomplished for Commercial Air Carrier activities.

Paved, Covered with asphalt or concrete that forms a firm level surface.

Permittee, An entity who has written permission from the City to conduct an Activity at the Airport according to the parameters established by a permit.

Piston Aircraft, An Aircraft that utilizes a reciprocating engine for propulsion.

Primary Guiding Documents, A compendium of Airport policies, standards, guidelines, rules, and regulations that govern the development, operation, and management of an airport, adopted by resolution of the City, as may be amended from time to time, including General Aviation Leasing/Rents and Fees Policy, General Aviation Minimum Standards, Rules and Regulations, and Development Standards.

Private Vehicle, Any Vehicle operated for transportation of persons or baggage for which no revenue is being derived either directly or indirectly.

Property, Any tangible or intangible possession that is owned by an entity or a person.

Public Area, Those areas normally used by the general public. Such areas include concessionaire shops, restrooms, Passenger Terminal Building lobbies, hallways, passage ways, public transportation waiting areas, viewing areas, roadways, walkways, sidewalks, and Vehicle parking lots. Public areas do not include the areas leased by Commercial businesses unless such businesses so designate certain areas as public use areas. Public Areas do not include the AOA, Restricted Areas, and employee parking lots.

Ramp, Those Paved areas of the Airport within the AOA designated by the Airport Director for parking, loading, unloading, fueling, or servicing of Aircraft.

Readily Available, Conveniently located (in close proximity) and accessible, but not necessarily located on the Leased Premises.

Refueling Vehicle, Any Vehicle used for transporting, handling, or dispensing of Fuels and lubricants.

Regulatory Measures, All applicable federal, state, county, and local laws, codes, ordinances, policies, rules, and regulations.

Repair Station, A certificated Aircraft Maintenance facility approved by the FAA to perform specific maintenance functions. Repairs Stations are certificated under 14 CFR Part 145.

Restricted Area, Areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel (pursuant to applicable Regulatory Measures) including but not limited to the AOA, Runways, Taxiways, Taxilanes, and fire lanes, airport maintenance facilities, mechanical rooms, electrical vaults, fire breaks and any other areas marked as such with signage.

Rules and Regulations, The rules and regulations set forth by the City for the safe, secure, orderly, and efficient use of the Airport, as may be amended from time to time.

Runup, Aircraft engine operation above normal idle power for purposes other than initiating or sustaining taxiing or takeoff.

Runway, An area of the Airport developed and improved for the purpose of accommodating the landing and takeoff of Aircraft.

Safety Management System (or SMS), The formal, top-down business approach to managing safety risk, which includes a systemic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures (FAA Order VS 8000.367).

Secured Area, A portion of an airport, specified in the Airport Security Program, in which certain security measures specified in 49 CFR Part 1542 are carried out. This area is where Aircraft Operators and foreign air carriers that have a security program under 49 CFR Part 1544 or 1546 enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.

Security Identification Display Area (or SIDA), A portion of the AOA identified in the Airport Security Program where each person is required to continuously display, on their outermost garment, an airport approved identification medium unless under Airport Director approved escort.

Security Plan, A document developed by Operators to ensure the safety and security of people and property at the Airport.

Self-Fueling, The Non-Commercial Fueling of an Aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's Vehicles, Equipment, and resources.

Self-Service, The servicing of an Aircraft (i.e., maintaining, repairing, fueling, etc.) by the Aircraft Owner or the Aircraft Owner's Employees using the Aircraft Owner's Vehicles, Equipment, and resources.

Special Event, Any event at the Airport whereby individuals have unescorted access to the AOA or any event that may or will require: the assistance of Airport management and staff (outside the realm of typical duties); the closure of any portion of any roadway, walkway, Vehicle parking area, Ramp, Taxiway, Taxiway, or Runway; and/or the issuance of an airspace waiver or NOTAM.

Specialized Aviation Service Operator (or SASO), A Commercial Operator that provides any one or a combination of the following Activities: Aircraft Maintenance, avionics or instrument maintenance, Aircraft rental or Flight Training, Aircraft charter or Aircraft management, Aircraft sales, and other Commercial Aeronautical Activities.

Spill Prevention, Control, and Countermeasures Plan (or SPCC Plan), A contingency plan defined by the EPA that covers procedures for spill prevention, control, and countermeasures, points of contact, the chain of command, and individual responsibilities.

Sterile Area, The area in the Passenger Terminal Building beyond the security screening checkpoint(s).

Storm Water Pollution Prevention Plan (or SWPPP), A plan that identifies the controls that have been put in place to minimize the impact of storm water discharges on the environment.

Student and Renter Liability, To include bodily injury, personal injury, and Property damage (excluding Aircraft hull) for students and renters of Aircraft.

Sublease, A written agreement that transfers an entity's rights or interest in the entity's Leased Premises to another entity and for which, the City has given proper consent.

Sublessee, An entity that has entered into a Sublease with an entity who is authorized (by the City) to engage in Commercial Aeronautical Activities at the Airport.

Taxilane, The portion of the Ramp used for access between Taxiways and Ramps. Taxilanes are always outside the Movement Area and differentiated from a Taxiway by the required Object Free Area requirements stipulated by the FAA.

Taxiway, A defined path, usually Paved, over which Aircraft can taxi from one part of an airport to another (excluding the Runway). ATC must have a clear line of sight to all Taxiway centerlines. Additionally, a Taxiway is further differentiated from a Taxilane by the required Object Free Area requirements stipulated by the FAA.

Through-the-Fence, Having direct access to an airport from private property located contiguous to the Airport. Through-the-Fence entities, while being located off Airport property, have access to the Airport Runway and Taxiway system.

Tiedown, An area Paved or unpaved suitable for parking and mooring of Aircraft wherein suitable anchoring points and related Equipment are located.

Transient Aircraft, Any Aircraft utilizing the Airport for occasional or temporary purposes which is not stationed at the Airport.

Transportation Security Administration (or TSA), The Agency within the Department of Homeland Security of the United States Government responsible to safeguard United States transportation systems and ensure secure travel. It was established by the Aviation and Transportation Act passed on November 19, 2001.

Turbojet Aircraft (or "Turbofan Aircraft"), An Aircraft utilizing one or more gas-turbine engines and develop thrust (propulsion) from the exhaust of gases.

Turboprop Aircraft Turboshaft, An Aircraft utilizing a gas-turbine engine to drive a set of reduction gears, which, in turn, drives a propeller or rotor blades for propulsion.

Ultralight Vehicle, Any contrivance used or intended to be used for manned operation in the air by a single occupant; does not have any U.S. or foreign airworthiness certificate; and if unpowered, weighs less than 155 pounds; or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; has a Fuel capacity not exceeding 5 U.S. gallons; is not capable of more than 55 knots calibrated airspeed at full power in level flight; and has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

Vehicle, Any device that is capable of moving itself, or being moved, from place to place upon wheels; but does not include any device designed to be moved by human muscular power or designed to move primarily through the air.

Vehicle Operator, Any person who is in actual physical control of a Vehicle.

Acronyms

A & P Mechanic	Airframe and Powerplant Mechanic
AC	Advisory Circular
ACM	Airport Certification Manual
ALP	Airport Layout Plan
AOA	Air Operations Area
ARFF	Aircraft Rescue and Fire Fighting
ASP	Airport Security Program
ATC	Air Traffic Control
CFR	Code of Federal Regulation
DHS	Department of Homeland Security
DOT	Department of Transportation
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FBO	Fixed Base Operator
ME	Multi-Engine Aircraft
NFPA	National Fire Protection Association
NOTAM	Notice To Airmen
SASO	Specialized Aviation Service Operator
SE	Single-Engine Aircraft
SIDA	Security Identification Display Area
SMS	Safety Management System
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
TSA	Transportation Security Administration