

Cook County Ordinance No. 2022-64: Cook County Airport Ordinance: Rules, Regulations, and Minimum Standards

Article 1 Statutory Authority

Cook County is the Owner (or “Sponsor”) of facilities at 123 Airport Road in Grand Marais, Minnesota, referred to as the “Cook County – Grand Marais Airport” (the “Airport”). The Airport was developed and is operated as a general aviation airport with funding from local, state, and federal sources. Because the Airport accepts grants of federal funds for airport purposes, it is subject to various continuing commitments to the Federal Aviation Administration (FAA) sometimes referred to as “grant assurances.”¹ As Sponsor of the Airport, Cook County is responsible for operation and maintenance of the Airport. The Airport is required to operate for the use and benefit of the public and to be available to all types, kinds, and classes of aeronautical activity on reasonable terms, without unjust discrimination (Grant Assurance 22a). Grant Assurance 22h provides that the sponsor: “...may establish such reasonable, and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.” Grant Assurance 22i provides that “...the sponsor may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.”

Minnesota Statutes § 360.038, subd. 3, authorizes Cook County to adopt and amend “all needful rules, regulations, and ordinances for the management, government, and use of any properties under its control, whether within or without the territorial limits of the municipality; to appoint airport guards or police, with full police powers; to fix by ordinance or resolution, as may be appropriate, penalties for the violation of said rules, regulations, and ordinances and enforce said penalties in the same manner in which penalties prescribed by other rules, regulations, and ordinances of the municipality are enforced.”

Article 2 Purpose, Intent, and General Provisions

These operating rules and regulations establish the necessary administrative, operational, and safety rules for the management of the Grand Marais – Cook County Airport. They restrict or prevent activity that would interfere with the established use of the airport. The intent of the Ordinance is to ensure that activities at the Airport support a safe and orderly environment. These rules and regulations apply to all users, visitors, tenants, and customers of the airport, as well as to those appointed or employed by Cook County to assist in the management of the Airport. Tenants are responsible for the conduct of their employees, guests, and customers, ensuring that they adhere to this Ordinance.

All Airport users, visitors, tenants, customers, and those appointed or employed by Cook County to assist in the management of the Airport must comply with this Ordinance and all laws, regulations, and rules of the Federal and State governments in order to continue use of Airport facilities. Individuals are subject to the loss or limiting of their privileges to use the Airport, after appropriate process as outlined

¹ See Airport Compliance Manual, National Policy of the U.S. Department of Transportation, Federal Aviation Administration, available at https://www.faa.gov/airports/resources/publications/orders/compliance_5160_6/

in Article 6 should they fail to or refuse to comply with this Ordinance or with Federal or State laws or rules.

It is the purpose and intent of Cook County through this ordinance to:

1. Establish rules and regulations for the safe and efficient operation of the Cook County – Grand Marais Airport;
2. Fix penalties for violations of said rules and regulations;
3. Direct the Cook County Airport Commission and the Airport Manager to act within their authority to enforce said rules and regulations;
4. Direct the Airport Manager to post this Ordinance for display to Airport users and promulgate this Ordinance to all current users of the airport.

In the event of any conflict between these airport operating rules and regulations and any statute, ordinance, law, rule, regulation, order or ruling of and the State or Federal government exercising the same or similar jurisdiction, the latter shall prevail.

Article 3 Definitions

Administrator means the Federal Aviation Administrator or any person to whom they have delegated their authority in the matter concerned.

Aeronautical Activity means any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. It includes but is not limited to air taxi and charter operations, scheduled or nonscheduled air carrier services, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales and service, aircraft storage, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, parachute activities, ultralight activities, sport pilot activities, and military flight operations.

Aircraft means a device that is used or intended to be used for flight in the air.

Air Operations or Air Side (AS) means that area used for aircraft taxiing, runup, take off, landing, tie-downs and loading and unloading of passengers and baggage. It is designated AS on Figure One, Airfield Diagram. It includes the Seaplane Base. Any area not designated AS is Land Side.

Airplane means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

Airport means the Cook County – Grand Marais Airport or; more generally, an area of land or water that is used or intended to be used for the landing and takeoff of aircraft, and includes its buildings and facilities, if any.

Airport Commission means the group that operates the Cook County Airport through the Airport Manager and under the authority and direction of the Cook County Board of Commissioners.

Airport Layout Plan (ALP) means a plan showing the orientation of key airport facilities such as runways and navigation aids, approach zones, airspace use, land contours, and other special factors. Also shown are the dimensional relationships within airport boundaries, between operational and support facilities and areas and the allocation of space for orderly expansion of functions.

Airport Manager means the person or firm operating under contract with Cook County to provide daily operation and maintenance of the airport. The Airport Manager operates under the guidance of the Airport Commission.

Air carrier means a person who undertakes directly by lease, or other arrangement, to engage in air transportation.

Air commerce means interstate, overseas, or foreign air commerce or the transportation of mail by aircraft or any operation or navigation of aircraft within the limits of any Federal airway or any operation or navigation of aircraft which directly affects, or which may endanger safety in, interstate, overseas, or foreign air commerce.

Air transportation means interstate, overseas, or foreign air transportation or the transportation of mail by aircraft.

Commercial operator means a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property, other than as an air carrier or foreign air carrier

Controlled airspace means an airspace of defined dimensions within which air traffic control service is provided to IFR flights (flights conducted under Instrument Flight Rules) and to VFR flights (flights conducted under Visual Flight Rules) in accordance with the airspace classification. Note: Controlled airspace is a generic term that covers Class A, Class B, Class C, Class D, and Class E airspace.

FBO means Fixed-Base Operator. An individual or firm providing general aircraft services such as fueling, maintenance, overhauling, and modification of aircraft.

Flammable, with respect to a fluid or gas, means susceptible to igniting readily or to exploding.

Glider means a heavier-than-air aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

Land Side (LS) means that part of the airport used for activities other than the movement of aircraft. It is designated as LS on Figure One, Airfield Diagram.

Maintenance means inspection, overhaul, repair, preservation, and the replacement of parts, but excludes preventive maintenance.

Night means the time between the end of evening civil twilight and the beginning of morning civil twilight, as published in the Air Almanac, converted to local time.

Person means an individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity. It includes a trustee, receiver, assignee, or similar representative of any of these.

Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

Small Unmanned Aircraft System (SUAS) means a small, unmanned aircraft and its associated elements (including communication links and the components that control the small, unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

Specialized Aviation Service Operation (SASO) means a commercial aeronautical business that is authorized to offer services other than aircraft refueling, according to established Minimum Standards. SASOs include but are not limited to the following commercial aeronautical activities: flight training, aircraft maintenance, air charter or air taxi, aircraft sales, avionics maintenance, aircraft rental, air tour operations, and aircraft storage.

Traffic pattern means the traffic flow that is prescribed for aircraft landing at, taxiing on, or taking off from an airport.

Unmanned aircraft means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

Unmanned Aircraft System (UAS) means an unmanned aircraft and its associated elements (including communication links and the components that control the unmanned aircraft) that are required for the safe and efficient operation of the unmanned aircraft in the airspace of the United States.

Article 4 Airport Management

1. Airport Commission.

- a. The Cook County Airport Commission is established to advise the County Board in its operation of the Airport and to educate the community on the development and use of aviation.
- b. The Airport Commission is composed of seven (7) members, including one County Commissioner and six (6) members appointed by the Cook County Board of Commissioners.
- c. The Airport Commission shall operate under By-Laws approved by the Cook County Board of Commissioners.
- d. Duties of the Airport Commission are listed in the By-Laws and include:
 - i. Determining the mission and goal of the Airport and developing the highest possible degree of operating efficiency and the promotion of aviation in Cook County.
 - ii. Developing, implementing, enforcing, and revising policies and procedures for the Airport.
 - iii. Through the Airport Manager, operating the airport in accordance with the obligations of Cook County to the federal government under applicable grant agreements or deeds.
 - iv. Maintaining a Long-Range Plan for the achievement of services and aviation goals.
 - v. The Airport Manager reports to and is given direction by the Airport Commission. The Airport Commission reports to and is given direction by the Cook County Board of Commissioners.
 - vi. The Cook County Board of Commissioners reserves the right to accept, reject or modify any matters acted upon by the Airport Commission. The County Board reserves these rights, as final authority, as between the County Board and the Airport Commission.

2) Airport Manager

- a) The Airport Manager is retained by the Cook County Board to maintain airport operations consistent with this Ordinance and federal grant obligations and to assist the Airport Commission in carrying out its duties.
- b) The Airport Manager is authorized to investigate violations of this Ordinance, issue Notices of Violations as necessary, and refer violations to the Cook County Sheriff's Office for further investigation or to the Cook County Attorney for prosecution.
- c) The Airport Manager's duties shall include education of Airport Users on the general requirements of this Ordinance, including the posting and publication of the most up-to-date version of the Ordinance.
- d) Other specific duties of the Airport Manager are established by a service contract.

Article 5 Operating Rules and Regulations

1. **Special Events** including but not limited to air shows, air races, fly-ins, skydiving, or other event requiring the general use of the airport, other than normal or routine airport traffic, require written approval for the event from the Airport Manager. All requests to conduct special events shall be submitted to the Airport Commission through the Airport Manager for approval and forwarding to the County Board of Commissioners if required. Requests must receive written approval prior to engaging in such aeronautical or other activity. The written request should thoroughly describe the activity, the operations, and all provisions for ensuring the safety of such operations. Written requests should be submitted at least two months prior to the requested event date; short notice requests may be denied.
2. **Air Side Common-Use Areas** include all runways for landing and takeoff, taxiways, all parallel and connector taxiways (existing or future), and all apron taxiways through leased areas. Air Side Common-Use Areas are available for use, in common, by all persons operating aircraft on the airport and shall be kept clear and available for aircraft traffic. T-hangar taxi lanes are also considered common-use areas. No FBO, SASO or other person shall use any common-use area for the parking or storing of aircraft, the repair, servicing or fueling of aircraft or for any other purpose other than the operation of aircraft without the prior written permission of the Airport Manager. Aircraft owners/operators, FBOs, and employees are permitted to fuel aircraft in the T-hangar taxi lanes and lease area taxi lanes. Air Side Common-Use area designations may be changed by the Airport Sponsor at any time.
3. **Vehicular Traffic and Parking.** The traffic laws of the State of Minnesota shall apply to the streets, roads, and vehicular parking areas on the airport. Except for airport and FBO vehicles, fire-fighting equipment, ambulance, and emergency vehicles responding to an emergency, no person shall take or drive any vehicle on the airport, other than on established streets, roads, and vehicular parking facilities, unless permitted by the Airport Manager or designated representative. Permission is not required for personal vehicles operating on the tie-down ramp areas, to and from a parked aircraft or to the T-hangar and leased areas by T-hangar renters or lease area hangar owners. Vehicles must be owner insured according to the State of registration. Violators are subject to arrest and vehicle removal at the owner's expense. The vehicle shall be subject to a lien for the cost of removal.

Additionally:

- a. No person shall operate a motor vehicle on the airport in a reckless or negligent manner.
 - b. No person shall operate a motor vehicle in the Airport Operation (Air Side) Area portion of the Airport at more than ten miles per hour, except for Airport operations vehicles conducting operations requiring higher speeds (e.g., snow removal), and fire, emergency, and law enforcement vehicles responding to an actual emergency.
 - c. Pedestrians and aircraft shall always have the right of way.
 - d. Parking shall not be allowed on the apron areas except to load and unload aircraft or by approved delivery vehicles while servicing a commercial operator.
 - e. Access to the Air Side of the airport is for airport tenants, their employees, guests or customers, County personnel, police, fire, miscellaneous emergency personnel, State and FAA personnel, Customs and Border Protection personnel, and other authorized persons.
 - f. No person shall park or leave a motor vehicle any place on the airport in violation of any posted sign or in a manner as to block any gate or entrance, road, or taxiway or to present a hazard to aircraft or their operations. Vehicle parking is prohibited in runway and taxiway obstacle free areas.
 - g. Off road vehicles and snow machine operation on the airport must have prior approval of the Airport Manager.
 - h. Long term parking of airport tenant vehicles is restricted to the public parking area designated for that purpose by the Airport Manager. Vehicles in public parking must be insured and maintained in serviceable condition. Abandoned vehicles may be removed by the Airport Manager at owner expense.
4. **Advertising and Signs.** No signs or other advertising shall be placed or constructed upon the airport, or on any building or structure or improvement thereon, without having first obtained written approval from the Airport Commission. Signs or other advertising on County or State roads also must comply with the Cook County Sign Ordinance.
5. **Solicitation and Advertising Materials.**
- a. It is unlawful for any person to solicit fares, alms, or funds for any purpose at the airport without the permission of the Airport Manager.
 - b. It is unlawful for any person to post, distribute or display signs, advertisements, circulars or other printed or written matter in a public area of the airport except in locations designated by the Airport Manager.
6. **Pets** are not permitted on the Air Side of the airport unless they are being loaded into or unloaded from any aircraft. Unruly animals must be confined to a cage or crate or be on a leash and proceed directly to or from the Land Side of the airport to the aircraft. Pets are permitted in private or leased hangars provided they are confined or under the direct and constant control of their owners. The Cook County Sheriff's K9 unit has a permitted training area within the Seaplane Base Air Side area for their use.
7. **Unauthorized Hunting Prohibited.** No person shall hunt, pursue, trap, catch, injure, or kill any bird or animal on the airport without prior written permission and coordination with the Airport Manager.
8. **Flying of Model Aircraft Prohibited.** The flying of model aircraft within the airport is prohibited unless authorized by the Airport Manager.

9. **UAS and SUAS Activity.** 14 CFR part 107 governs the operation of UAS and SUAS aircraft. It is the policy of the airport to prohibit the operation of UAS and SUAS aircraft in and below the Class E airspace containing the airport traffic pattern without the permission of and coordination with the Airport Manager.
10. **All Moving Aircraft Operations** shall use designated Air Side runways, taxiways, and ramps. Land Side operations including taxi, takeoff, and landings are prohibited. With proper authorization from the Airport Manager and supervision by authorized personnel, aircraft may be towed from the Seaplane Base through the LS to the upper Air Side area.
11. **Disabled Aircraft.** Notify the Airport Manager immediately of any aircraft disabled to the extent that it cannot be moved under its own power. Subject to governmental investigations and inspection of the disabled aircraft, the owner or owner's agent shall take immediate action to move the aircraft from all runways, taxiways, ramps, tie-down areas, and other traffic areas to a place designated by the Airport Manager. If the aircraft is not removed for any reason from the area requested by the Airport Manager, the Airport Manager will perform the removal at the sole expense of the owner.
12. **Report Wildlife Hazards and Inoperative Airport Equipment.** All pilots should report to the Airport Manager all significant conflicts with birds and animals on the airport. This will enable the Airport Manager to determine if a persistent hazardous condition exists. Inoperable facilities, equipment, or other potentially hazardous conditions should also be reported to the Airport Manager.
13. **Parking and Securing Aircraft.** No person shall park, store, tie down or leave any aircraft on an area of the airport other than those areas designated by the Airport Manager. Aircraft shall be properly secured while parked or stored. Operators are solely responsible for parking and tying down their aircraft, including any special security measures required by weather conditions or other conditions on the airport. Operators shall also be responsible for securing aircraft in a manner necessary to avoid damage to other aircraft or buildings on the airport due to wind or other severe weather. Owners of all aircraft shall be held solely responsible for any damage or loss resulting from the failure of such owner or the pilot for or agent of such owner to comply with this rule.
14. **Noise Impact.** Pilots should be proactive to reduce noise impact on and around the airport and seaplane base. Use of power management, speed, and maneuvering will go a long way in maintaining positive community perceptions. Safety is first; noise abatement is a voluntary program and according to FAA regulation will not take precedence over safety.
15. **Unauthorized commercial activity.** It is unlawful for any person to engage in any business or commercial activity on the airport without a lease or a sublease from a duly authorized master lessee approved by the Cook County Board of Commissioners. For the purposes of this article a person means an individual or group of individuals, including a company, partnership, corporation, or other association. This prohibition shall also apply to persons who use the airport as a base for conducting their activity but whose office or other place of business is not situated at the airport, including air taxi airlines origination flights at the Cook County – Grand Marais Airport. No lease or license for the exclusive right to provide an aeronautical service, operation or activity on the airport shall be issued or approved.
16. **Commercial flight activity not requiring a lease or permission.**

- a. Aircraft operations in which the flight originates and terminates elsewhere, and the airport is used as a temporary stopping place for such purposes as landings, refueling, or other aeronautical service, or the embarking or debarking of passengers.
 - b. Company or corporate-owned aircraft where personnel or products are transported free of charge, the trip being merely incidental to the company's principal business and not a major enterprise for profit.
 - c. Casual or isolated transactions such as sales by the owner, and owner/pilot giving occasional flight instruction, or the like.
17. **Structures to Comply with Building Regulations.** Leases for aeronautical and commercial activities on the airport shall be issued and approved contingent on the lessor constructing or providing a structure or structures on the leased property appropriate to the type of aeronautical or commercial activity to be conducted. Ground space allocations under lease agreements shall be made in accordance with the land use plan adopted by the County (ALP) for development of the airport. All structures erected on the airport shall comply with all County building regulations. Structural and architectural design of all structures shall be subject to approval by the County. All hangars built or maintained on leased lots must comply with the Building Code for Hangars on Leased Lots incorporated into Paragraph 19. Termination of a ground lease without other satisfactory arrangements having been made with the County shall automatically revoke the permission to conduct aeronautical or commercial activity on the airport. Commercial enterprises must also comply with the minimum standards for such enterprises as outlined later in this ordinance.
18. **Procedures for Acquiring a Lease.** When a person, corporation, or other entity desires to enter into a lease with the County for land on the airport, the person must contact the Airport Manager and make the request known. The Airport Commission shall negotiate with the interested party to arrive at lease provisions and costs which reflect fair market values and include provisions to adjust lease amounts in future years based on appropriate economic factors. Prior to entering into any lease for property at the airport, the prospective lessee must present to the Airport Commission satisfactory evidence that it meets the minimum standards established herein for engaging in business at the airport. Leases will be reviewed by the County Attorney for final approval by the County Board of Commissioners.
19. **Insurance Coverage Required.** All lessees on the airport property shall obtain and maintain insurance coverage for liability, naming Cook County in the policies as an additional insured. Insurance coverage shall meet requirements set out in the Minimum Standards for Insurance Types and Limits established by the Airport Commission and posted at the Airport.
20. **Building Code for Hangars on Leased Lots.** The following requirements shall be incorporated into any leases the Airport grants for hangars, shall posted on the Airport section of the County website, and given to anyone on request.

BUILDING CODE FOR HANGARS ON LEASED LOTS

- 1. 80-foot lot width minimum; need variance for lesser width.
- 2. One-year lease without building. Lot will be leased to the next person on the list if the building has not begun.
- 3. Shape of the building must be rectangular, with a minimum 1:12 pitch gable end. Roof rated to take a 40-pound snow load.

4. Must have metal walls.
5. Color must be earth tone.
6. Galvanized metal acceptable on roof only.
7. All aircraft doors shall be bifold type.
8. Building cannot be closer than six feet from the lot line – twelve feet between hangars.
9. Maximum tree clearance is ten feet from building. Maintain “North Woods” look.
10. All site preparation, base and bituminous is the expense of the hangar owner.
11. Front of the hangar must be no less than fifty feet from the taxiway centerline.
12. No outside storage.
13. Fuel storage in hangars must be in approved containers and limited to the amount specified in the State Fire Code Regulations.
14. All proposed hangars must be approved by the County.
15. A land use permit is required before construction of any hangar.

Article 6 Penalty for Violations

1. **Investigation.** The Airport Manager is authorized to investigate any suspected violations of this Ordinance and to report all adverse findings to the Airport Commission for recommendation of action. The Airport Manager, Airport Commission or the County may request authorized law enforcement officers to investigate any suspected violation for forwarding to the County Attorney for criminal prosecution or civil action.
2. **Notice.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation from the Airport Manager that sets forth the alleged violation and that informs them of the right to a hearing on the matter, including how and where a hearing may be requested and the contact name and phone number.
3. **Administrative Penalties.**
 - a. **Fee.** Individuals cited and found to be in violation of this Ordinance and entities and their employees cited and found to have violated this Ordinance shall be charged an administrative fee of \$100.00 for a first violation of this Ordinance, \$300 for a second offense within a thirty-six-month period and \$1000.00 for a third or subsequent offense within a thirty-six-month period.
 - b. **Denial of use.** Individuals and entities or their employees may be trespassed from the Airport and denied use of Airport Facilities if cited and found to be in violation of this Ordinance when the following circumstances exist:
 - i. Second offense within a thirty-six-month period (maximum 30-day trespass);
 - ii. Third offense within a thirty-six-month period (maximum 90-day trespass);
 - iii. Fourth or subsequent violation within a thirty-six-month period (maximum one year trespass); or
 - iv. The violation endangers life or property (maximum one year trespass)
 - c. **Cancellation of lease.** Tenants of leases for Airport space may be subject to cancellation of their lease for violation of this Ordinance.
4. **Hearings.** Upon issuance of a citation, a person alleged to have violated this Ordinance may request in writing a hearing on the matter. A request for a hearing must be made within ten (10) business days of the issuance of the citation and must be delivered to the County Auditor-Treasurer or other designated officer of the Airport. Failure to properly request a hearing within ten (10) business days of the issuance of the citation shall terminate the person's right to a

hearing. The County Auditor-Treasurer or other designated officer of the Airport shall set the time and place of the hearing. Written notice of the time and place of the hearing shall be mailed to the alleged violator at least ten (10) business days prior to the hearing.

5. **Hearing Officer.** The County Board shall by resolution appoint the hearing officer. The hearing officer shall be an impartial employee of the County, or an impartial person retained by the County to conduct the hearing
6. **Decision.** A written decision shall be issued by the hearing officer within ten (10) business days of the hearing. If the hearing officer determines that a violation of this Ordinance did occur, that decision, along with the hearing officer's written findings, conclusions of law, and the penalty to be imposed under Article 6 of this Ordinance shall be recorded in writing, a copy of which shall be provided to the alleged violator and to the Airport by either in-person delivery or by U.S. mail as soon as practicable. If the Hearing Officer finds that no violation occurred or finds grounds for not imposing any penalty, the written findings and conclusions of law shall be recorded, and a copy provided to the acquitted violator and to the Airport by either in-person delivery or by U.S. mail as soon as practicable. The decision of the hearing officer is final, subject to an appeal as described in Paragraph h. of this Section.
7. **Costs.** If the citation is upheld by the hearing officer, the County's actual expenses in holding the hearing up to a maximum of \$1,000 must be paid by the person requesting the hearing.
8. **Appeal.** An appeal of any decision made by the hearing officer shall be filed with the District Court for the jurisdiction of Cook County in which the alleged violation occurred within ten (10) business days of the date of the decision.
9. **Misdemeanor penalty.** Violation of any provision of this Ordinance shall be a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. Nothing in this Section shall prohibit the County from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the County elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.
10. **Enforcement.** Cook County may enforce all provisions of this Ordinance through such proceedings for injunctive relief as may be proper under the laws of the State of Minnesota. The County Board, by majority vote, or the County Attorney under their authority, may initiate a civil action to prevent, restrain, correct, or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceedings.
11. **Cumulative of all other penalties.** This section is cumulative of all other penalties for violation of Federal, State, and local laws, rules, regulations, ordinances, and orders.

Article 7 Severability

If any provision of these Airport Operating Rules and Regulation shall, for any reason, be determined to be invalid, illegal, or unenforceable in any respect, the other provisions of these Airport Operating Rules and Regulations shall remain in full force and effect.

Article 8 Cook County Airport Minimum Standards for Airport Aeronautical Service Providers

Preamble

Cook County being the Owner/Sponsor of the Grand Marais – Cook County Airport, and in a position of responsibility for the administration of the Airport, does hereby establish the following Minimum Standards for Providers of Aeronautical Services and for the for users of those facilities:

The Minimum Standards are intended to be the threshold entry requirements for those wishing to provide commercial aeronautical services to the public and to ensure that those who have undertaken to provide commodities and services as approved are not exposed to unfair or irresponsible competition.

These Minimum Standards were developed taking into consideration the aviation role of the Cook County Airport Commission for the facilities that currently exist at the Airport. The services being offered at the Airport and the future development planned for the Airport are to promote fair competition. The uniform application of these Minimum Standards, containing the minimum levels of services and practices that must be offered by the prospective service provider, relates primarily to the public interest, and discourages substandard entrepreneurs, thereby protecting the established aeronautical activity for the Cook County Airport customers, clients, and the users of those facilities.

Minimum Standards for All FBOs or SASOs

The following shall apply to all prospective aeronautical service providers wishing to become a FBO or a SASO at a Cook County Airport:

1. Leases shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold and in accordance with like operations on the airport. The Airport Owner will also consider the current ALP implications if a property lease is to be extended beyond the period indicated in the original lease.
2. A person shall have such business background and shall have demonstrated his business capability to the satisfaction of, and in such manner as to meet with the approval of the Airport Commission.
3. Any prospective FBO or SASO seeking to conduct aeronautical activity at the airport should demonstrate that they have adequate resources to realize the business objectives agreed to by the Cook County Airport Commission and the applicant.
4. All prospective FBOs or SASOs shall demonstrate to the Airport Commission satisfactory evidence of their ability to acquire insurance coverage and name Cook County as additionally insured. Insurance coverage shall meet requirements set out in the Minimum Standards for Insurance Types and Limits established by the Airport Commission and posted at the Airport. FBOs and SASOs shall maintain insurance coverages which complies with the Minimum Standards in full force and effect during the entire term of the lease, agreements or business licenses or renewals or extensions thereof with a 30-calendar day notice of cancellation to the Airport Commission. In all cases, insurance coverage must meet the statutory requirements of applicable governmental agencies and be approved in writing by the Cook County Airport Commission. The County of Cook must be added to the policy as an additionally insured and as a Certificate holder.
5. Any authorized FBOs or SASOs subleasing any portion of their leased property must obtain the written approval of sublease by the Cook County Airport Commission and approval of the text of any sublease or other joint use agreement used.

Applications and Qualifications

Demonstration of intent to conduct a business operation at the Airport shall be by application to the Cook County Airport Commission. The written application shall contain at the minimum:

1. The proposed nature of the business. A business plan may be used to express the proposed nature of the business. (See Minimum Requirements for a Business Plan).
2. The signatures and legal names of all parties whose names are being submitted as owning an interest in the business or will appear on leases or other documents as being a partner, director, or corporate officer and those who will be managing the business.
3. The name, telephone number and address of the primary contact person.
4. An inventory of assets owned, or being purchased, or leased which will be used in the business on the Airport.
5. Current credit information for each party owning or having five percent or more financial interest in the business and a credit report or history of the business itself if available.
6. A written authorization for the FAA, any aviation or aeronautics commissions, administrators, and departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant will execute such forms, releases, or discharges as may be required by those agencies.
7. Preliminary plans, specifications, and dates for any improvements that the applicant intends to make upon the Airport leased property as part of the activity for which approval is sought. Applicant must comply with appropriate Review Procedures, the Cook County Airport Commission Minimum Standards, the Airport Zoning Ordinance and the Cook County, Minnesota Land Use Permit requirements.
8. Proof (copy or insurance company letter of intent) of liability coverage which meets requirements set out in the Minimum Standards for Insurance Types and Limits established by the Airport Commission and posted at the Airport; which shall insure the business operation, flight operations, itinerant aircraft and operators and the premises.
9. The names and qualifications of Management and Supervisory personnel employed at the time of the application, and the number of persons to be employed and whether they are to be full-time, part-time, or contracted employees.
10. Such other information as the Cook County Airport Commission may require.

Action on Application

All applications will be reviewed and acted upon by the Cook County Airport Commission within 60 days from the receipt of the application. These rules, regulations, minimum standards, applicant qualifications, and processing provisions promote safety in all airport activities and maintain a high quality of service for all airport users. They protect airport users from unlicensed and unauthorized products and services, enhance the availability of services, promote the orderly development of airport land, and provide the sponsor with a method to distinguish between service providers that will provide a satisfactory level of service and those that will not. All applicants for the provision of aeronautical and non-aeronautical services must add value to the airport, its present and future aeronautical community,

and the Cook County community at large. Applications may be denied for failing to meet this objective or one or more of the following reasons:

1. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards.
2. The applicant's proposed operations or construction will create a safety hazard at the Airport.
3. The granting of the application will require the expenditure of local funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss to the Cook County Airport.
4. There is no appropriate or adequate available space or building on the Airport to accommodate the entire activity of the applicant.
5. The proposed operation, Airport development or construction does not comply with the approved Airport Layout Plan.
6. The development or use of the area requested will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport, such as problems in connection with aircraft traffic or service, or preventing free access and egress to the existing fixed base operator area, or will result in depriving, without the proper economic study, an existing fixed base operator of portions of its leased area in which it is operating.
7. Any party applying, or interested in the business, has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.
8. Any party applying, or having an interest in the business, has a record of violating the Rules, or the Rules and Regulations of any other Airport, Civil Air Regulations, Federal Aviation Regulations, or any other Rules and Regulations applicable to this or any other Airport.
9. Any party applying, or having an interest in the business, has defaulted in the performance of any lease or other agreement with the Cook County Airport Commission or any lease or other agreement at any other airport.
10. Any party applying, or having an interest in the business, is not sufficiently credit worthy and responsible in the judgment of the Cook County Airport Commission to provide and maintain the business to which the application relates and to promptly pay amounts due under the FBO/SASO lease.
11. The applicant does not have the finances necessary to conduct the proposed operation for a minimum period of six months.
12. The applicant has failed to make full disclosure in the application or supporting documents.
13. The applicant has committed any crime, or violated a local ordinance, rule, or regulation, which adversely reflects on its ability to conduct the FBO/SASO operation applied for.

Variance. Applicants wishing a variance or exception from or to any of these qualifications, rules, and regulations or minimum standards shall include that request in their written application. The Airport Commission will consider the request, work with the applicant, and make their recommended variance, if approved, part of the final package forwarded to the County Board for approval.

Note: Limitations on aeronautical service applicants are constrained by FAA Order 5190.6B and Grant Assurances.

Prior to the business being opened to the public, the approved applicant must obtain and post in a prominent public accessible location the appropriate license(s) from the Commissioner of Transportation for the State of Minnesota, including any renewals thereof.

If an application as presented or amended is accepted by the Cook County Airport Commission, it will be forwarded with their recommendations to the Cook County Board of Commissioners for final approval and the granting of a lease, agreement and/or the approval of the business to be located at the specified Cook County Airport.

Minimum Requirements for a Business Plan

In addition to the Application Requirements, additional information may be provided in a business plan that should include at a minimum the following.

1. All services that will be offered should be listed and continuation of all required certification provided.
2. Amount of land and/or building space desired to be leased if applicable.
3. Building space that will be constructed and the site and floor plan proposed if applicable.
4. Number of aircraft that will be provided for each service being offered.
5. Equipment and special tooling to be provided.
6. Number of persons to be employed.
7. Short resume for each of the owners (5% or more equity) and financial backers and supervisory personnel.
8. Short resume of the manager of the business including this person's experience and background in managing a business of this nature.
9. Periods (days and hours) of proposed operation including a proposed holiday schedule.
10. Amounts and types of insurance coverage (which can be no less than the Minimum Standards for Insurance Types and Limits established by the Airport Commission and posted at the Airport.).
11. Plans for physical expansion, if business should warrant such expansion.
12. Any additional information pertinent to the application.

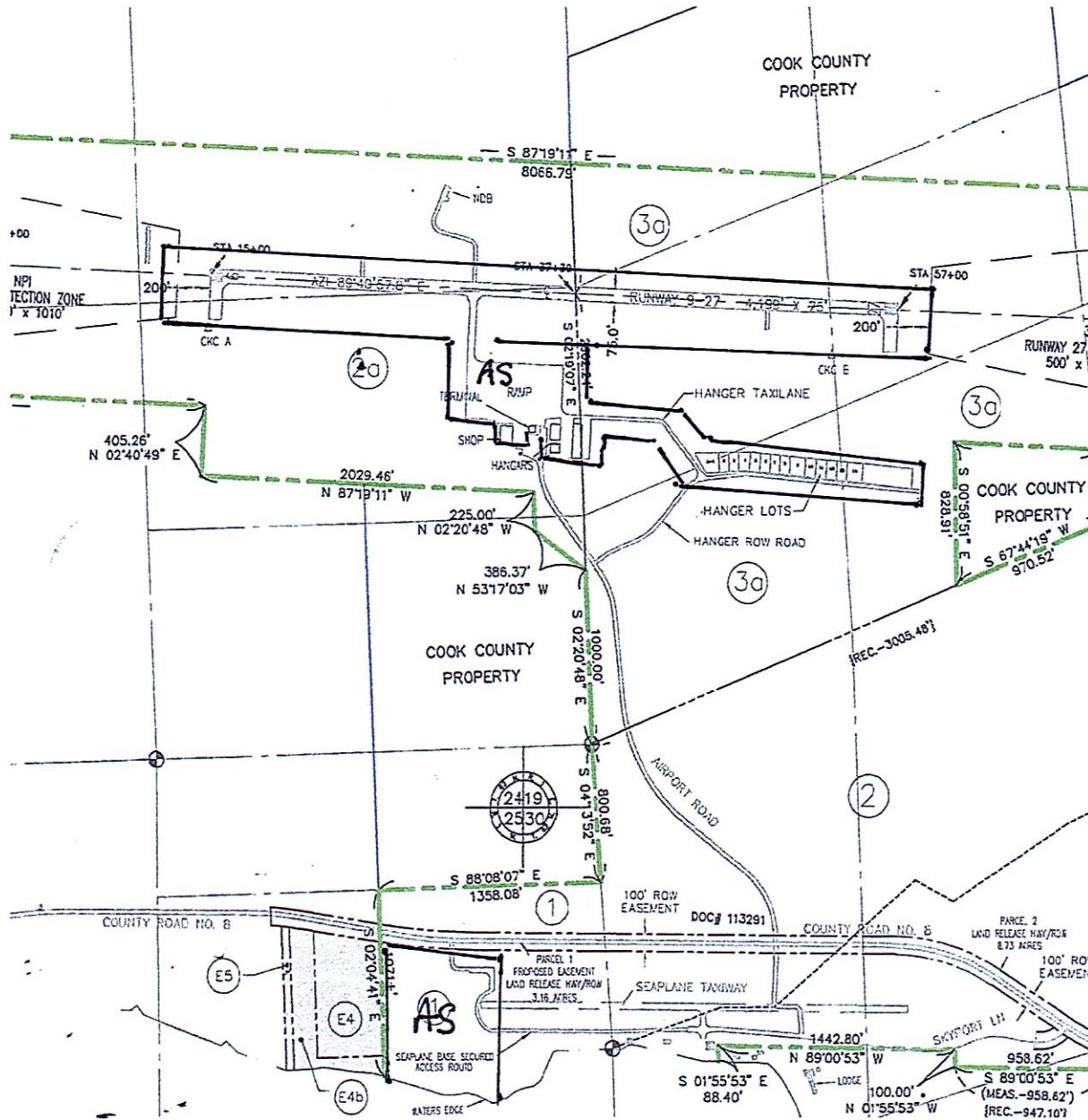


FIGURE 1

AIRFIELD DIAGRAM

ARTICLE 9 Effectuation

This Ordinance shall take effect on July 12, 2022.

Commissioner Svalesson moved the adoption of this Ordinance and Commissioner Hawkins duly seconded the motion and it was adopted on the following vote:

Yays: 5

Nays: 0

Absent: 0

