
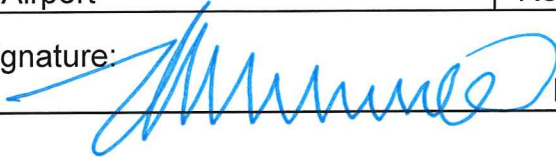


OGDEN CITY POLICY Office of the Mayor	Policy No:
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Subject: NON-AERONAUTICAL USE OF AIRPORT HANGARS	Effective Date: <u>Feb 10</u> , 20 <u>17</u> Replaces and Supersedes former Policy No. _____, effective 10/13/16.
Department: Community and Economic Development	Reviewed by: 
Division: Airport	Review Date: <u>2/18/17</u>
Authorized Signature:  Michael P. Caldwell, Mayor	

-1: [PURPOSE:]

On or about June 15, 2016, the FAA issued a final policy statement on the use of hangars at federally obligated airports ("Final Hangar Use Policy"). See FAA Policy on the Non-Aeronautical Use of Airport Hangars, 81 Federal Register 38,906-38,911 (June 15, 2016). Ogden City, as sponsor of a federally obligated airport is required to implement the Final Hangar Use Policy. The Final Hangar Use Policy constitutes minimum hangar use requirements and invites airport sponsors to consider and implement more specific limitations on uses of airport hangars consistent with FAA policies. The Ogden-Hinckley Airport receives substantial subsidies from federal, state and local governments for the purpose of supporting and enhancing aeronautical activities on the airport. Use of airport premises for other than aeronautical purposes may divert such funds to an improper use and may limit aeronautical activity on the Airport. To ensure that nonaeronautical uses of hangars are merely incidental and do not occupy space that could reasonably accommodate additional aeronautical uses, this administrative policy adopts a 30% limitation on nonaeronautical storage in hangars. It is the purpose of the Ogden City Administration to minimize hangar waiting lists and maximize aeronautical activity at the Airport by adopting this policy consistent with the FAA's Final Hangar Use Policy.

-2: [POLICY:]

It is the policy of the Ogden City Administration that use of Airport hangars be restricted consistent with FAA policies, and as set forth herein below.

- A. **[Aeronautical Uses.]** Any hangar constructed upon leased premises within the Ogden Hinckley Airport shall be used solely for conducting the following aeronautical activities:

1. Storage of tenant's active, operable aircraft.

2. Final assembly of aircraft under construction.
 3. Non-commercial construction of amateur-built or kit-built aircraft.
 4. Maintenance, repair, or refurbishment of aircraft, but not the indefinite storage of nonoperational aircraft.
 5. Storage of aircraft handling equipment, e.g., towbars, glider tow equipment, workbenches, and tools and materials used in the servicing, maintenance, repair or outfitting of Tenant's hangered aircraft.
- B. **[Aircraft Construction.]** Any tenant engaging in final assembly of aircraft under construction or non-commercial construction of amateur-built or kit-built aircraft shall first submit to the airport manager for approval a construction schedule setting forth expected stages of completion at ~~[90-day intervals]~~ 180 day intervals, together with a description of the aircraft to be built and the purchase invoice if available. Construction progress according to the construction schedule is subject to inspection of the airport manager or the manager's designee, who may stop and order removal of an aircraft construction project that is not making reasonable progress. All construction must be completed and the aircraft made operable or removed from the premises no later than ~~[2]~~5 years after any components for the aircraft construction are brought onto the airport. A longer period may be granted at the discretion of the airport manager due to a construction project's complexity or where, despite diligent efforts to complete the construction project on schedule, special or unusual circumstances exist or arise that delay its completion.
- C. **[Inoperable Aircraft.]** Any aircraft that becomes inoperable shall be repaired and made flight worthy within a reasonable time. No aircraft that has been inoperable for more than one year may be stored in a hangar~~[.—This provision]~~ or tie down, unless such inoperable aircraft when combined with other nonaeronautical storage, occupies less than 30% of hangar space. This subsection may not be contravened by successive movements of an inoperable aircraft from one airport hangar or tie down to another. An inoperable aircraft for purposes of this policy is an aircraft that is mechanically unable to operate or lacks proper legal certifications and inspections required for operation. Upon City's request, Tenant shall produce for inspection and copying by City all certifications and inspection records necessary to demonstrate aircraft operability.
- D. [Aircraft Renovation Exception.] An aircraft renovation project may be approved by the Airport Manager upon the submission of renovation plans and schedule. The renovation plans and schedule will provide detailed descriptions of the renovation work to be completed, anticipated parts and services to be purchased,

the project budget and a renovation schedule setting forth expected stages of completion at 180 day intervals. An aircraft renovation project approved under this subsection is subject to inspection of the airport manager or manager's designee, who may stop and order removal of an aircraft renovation project that is not making reasonable progress. If there is a material change to the renovation plans and schedule, the tenant shall promptly report any change to the airport manager. All renovations must be completed and the aircraft made operable or removed from the premises no later than 5 years after airport manager's approval of the renovation project. An extension may be granted at the discretion of the airport manager where, despite diligent efforts to complete the renovation project on schedule, special or unusual circumstances exist or arise that delay its completion.

~~[D.]~~ **E. [Incidental Nonaeronautical Use.]** Nonaeronautical storage within a hangar as an incidental use may be permitted on the condition that the hangar is primarily used for aeronautical uses described herein, and nonaeronautical storage does not interfere with the aeronautical use of the hangar. Nonaeronautical storage or use shall not:

1. Impede the movement of the aircraft in and out of the hangar or impede access to aircraft or other aeronautical contents of the hangar.
2. Displace the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
3. Be used for the conduct of a nonaeronautical business from the hangar (including storage of inventory).
4. Be stored in violation of airport rules and regulations, lease agreement provisions, building codes or local ordinances.
6. Exceed thirty (30) percent of hangar space.
7. Be hauled into or removed from the hangar in any manner that unreasonably burdens or interferes with aircraft movement and other aeronautical activities on the airport.

~~[E.]~~ **F. [Residence Prohibited.]** A hangar may not be used as a permanent or temporary residence. Unauthorized development of residential living quarters within a tenant's hangar may be declared by City to be an event of default under a tenant's lease agreement and the City may declare any noncomplying subleases null and void. Upon written approval of the airport manager, Tenant may construct or maintain a flight crew resting facility for temporary or intermittent overnight use, but such facility may not be used as a permanent or

temporary residence. The definition of flight crew is limited to those individuals necessary for the operation of the tenant's or subtenant's hangered aircraft, such as pilot-in-command (PIC), second in command, flight engineer, flight attendants, loadmasters, search and rescue (SAR) flight personnel, medical technicians, and flight mechanics. It does not include the families, relatives, or guests of flight crewmembers not meeting the preceding definition.

~~[F.]~~G. **[Unauthorized Uses.]** Each tenant shall limit its uses of its hangar to the Aeronautical Uses and Incidental Nonaeronautical Uses described in this Policy. Use of a hangar for nonaeronautical uses beyond Incidental Nonaeronautical Uses described in this Policy, shall immediately alter a hangar tenant's lease agreement as follows:

1. The term of the lease agreement shall revert to a month to month lease, terminable by the City upon 30 days notice to tenant.
2. Tenant shall be required to pay fair market value rent, as determined by the airport manager, effective from the date of the unauthorized use commenced.

~~[G.]~~H. **[Inspection Program.]** The airport manager shall implement a hangar inspection program and conduct hangar inspections from time to time to ensure compliance with this policy and other applicable rules and regulations.

~~[H.]~~I. **[Leasing.]** The airport manager shall take reasonable efforts to terminate any hangar lease used for nonaeronautical purposes in violation of this policy and related FAA policies, no later than July 1, 2017. Agreements for lease renewals and subleases shall not be approved if tenant's or subtenant's hangar use is inconsistent with this policy at the time of requesting lease renewal or sublease. A new lease agreement shall not be granted unless tenant demonstrates that the hangar will be put to an approved aeronautical use upon commencement of the lease, including identification of the aircraft to be stored.

~~[I.]~~J. **[FAA Approved Leasing Plan.]** If the airport manager determines that hangars are unoccupied and there is no current demand for aviation use of airport hangar space, the airport manager may seek advanced approval of an interim nonaeronautical hangar leasing plan from the local FAA Office of Airports and implement any approved leasing plan consistent with FAA guidance. Any FAA approved interim nonaeronautical leasing plan shall be limited to month to month leases for fair market value.