



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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### MEMORANDUM

TO: Mayor Kooiker and Common Council  
FROM: Wade Nyberg *WEN*  
DATE: June 1, 2015  
RE: Revised Airport Ordinances – Ch. 2.72 & Ch. 13.28

In addition to the changes recommended by the Airport Board's consultant, I also added some recommended changes to the two chapters concerning the airport in the municipal code. In Chapter 2.72, I am recommending three changes:

- The new Section 2.72.030 now includes language clarifying what happens when a board member is appointed to fill a vacancy in relation to the term limits.
- Section 2.72.030's tagline indicates that, among other things, it deals with removal of board members. There is no such provision in the current ordinance. As such, I have added Section 2.72.035, which provides for removal of an Airport Board member. The text of this section is borrowed from similar ordinances for other city boards and commissions.
- In Section 2.72.070 "Powers" I have added three new paragraphs. These paragraphs were added to clearly spell out the powers the Airport Board has exercised over the past decades. The Board has always handled leasing, granted permits for businesses on the airfield, and approved rules and regulations. They were all part of the Board's power to "regulate and manage" as provided in Paragraph A. Although it may appear that the ordinance is giving more power to the Airport Board, these additions are really clarifications – giving staff and the Board a place to point to in the ordinance that authorizes each longstanding authority.



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Memo to Mayor & Council

June 1, 2015

RE: Revised Airport Ordinances – Ch. 2.72 & Ch. 13.28

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In Chapter 13.28, I am recommending the following changes:

- Adding the penalty provision for violations of already present rules – In both 13.28.060 “Commercial aeronautical activities permit” and 13.28.070 “Concessions,” commercial activities are prohibited without a permit or Board approval. Adding the penalty provision gives the City Attorney’s Office another option when it comes to enforcing these provisions. If someone refuses to gain approval or leave, we have the power to charge that person with a criminal complaint. It is a “tool in the toolkit.” The Board sets the rules and requirements for conducting commerce in the terminal or on the airfield. If someone tries to gain an advantage to circumvent those rules, and refuses to comply after being informed of those rules, this would be an option to protect the Airport and the other businesses and concessionaires.
- The penalty provision is also added to Section 13.28.090 “Leaving parking lot without paying fee.”
- Section 13.28.100 “Removal of illegally parked vehicles” is revised to clarify that “illegally” means parked in an area not designated as public parking. In order to avoid paying for parking, people sometimes park in other areas, such as the areas designated for rental cars. These parking areas are generally either leased by a tenant of the Airport or designated for some other purpose.
- Section 13.28.110 “Trespassing” was added. This change gives us a local option to enforce this when TSA does not.



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