

AN ORDINANCE TO REVISE THE PROVISIONS REGULATING ACTIVITIES AND OPERATIONS AT THE MUNICIPAL AIRPORT BY AMENDING CHAPTER 13.28 OF THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City of Rapid City has adopted ordinances that regulate activities the Rapid City Regional Airport and aircraft operations at the Airport; and

WHEREAS, the Board hired a professional consultant to review and recommend revisions to the Airport's governing documents; and

WHEREAS, the Common Council desires to update the existing ordinances in accordance with the consultant's recommendations and to update provisions to reflect best practices for operations and management of the Airport.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 13.28 of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

CHAPTER 13.28: RAPID CITY REGIONAL AIRPORT AND AIRCRAFT REGULATIONS

- 13.28.010 Definitions.
- 13.28.020 Established.
- 13.28.030 Police power—Extension to airport.
- 13.28.040 Applicability of ordinances.
- 13.28.050 Maintenance, management and operation – Executive Director's authority.
- 13.28.060 Commercial aeronautical activities permit.
- 13.28.070 Concessions.
- 13.28.080 Plans and specifications for buildings.
- 13.28.090 Leaving parking lot without paying fee.
- 13.28.100 Removal of illegally parked vehicles.
- 13.28.110 Trespassing.

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- ~~—13.28.010 Aircraft defined.~~
- ~~—13.28.020 Compliance with chapter.~~
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- ~~Division 2. Aircraft Regulations~~
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 - ~~—13.28.390 Repair work—Location restriction.~~
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~~ARTICLE I. GENERAL PROVISIONS~~

~~13.28.010 Aircraft defined—Definitions.~~

~~—For the purposes of this article the term **AIRCRAFT** includes any airplane, aircraft, dirigible, airship, free balloon, glider, helicopter, autogiro, or any other contrivance for flight in the air.~~

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

AIRCRAFT. Any device used or intended to be used for flight in the air.

AIRPORT. The Rapid City Regional Airport and all land, improvements, and appurtenances within the legal boundaries of the Airport as it is described in as described in § 13.28.020 and as it may be hereafter modified.

EXECUTIVE DIRECTOR. The Airport Executive Director appointed by the Airport Board, the acting or interim Airport Executive Director, or the designee of either.

PRIMARY GUIDING DOCUMENTS. The Rules and Regulations, the General Provisions, and the Minimum Standards adopted by the Airport Board.

~~13.28.020 Compliance with chapter.~~

~~—It is unlawful for any person to operate or fly any aircraft in or over the city, except in accord with the provisions of this chapter.~~

~~13.28.030 Takeoff and landing location restrictions.~~

~~—Takeoffs and landings of aircraft shall be made only at the Rapid City Regional Aircraft or at other airports owned by the city, the state or the United States Government, or at aviation fields or helicopter landing areas approved by the Federal Aviation Administration. Provided, however, nothing herein shall prohibit the takeoff or landing of a free balloon from a site within the city provided the takeoff or landing is made with the express permission of the owner of the property upon which such site is located, and further provided that the takeoff or landing may be made safely and without causing any hazard or nuisance.~~

~~13.28.040 Reckless operation of aircraft—Acrobatic flying.~~

~~—A. No person shall operate any aircraft in a careless or reckless manner so as to endanger life or property, nor shall any person operate any aircraft acrobatically over any area within the city limits. The term acrobatically includes any maneuver not necessary to maintain normal flight.~~

~~—B. Notwithstanding the provisions of subsection A. of this section, the Mayor may grant permission in writing for air shows over airfield property.~~

~~13.28.050 Operating aircraft while under influence of liquor or drugs.~~

~~—No person shall operate any aircraft while under the influence of any intoxicating liquor, narcotic drug, stimulant or depressant.~~

~~13.28.060 Dropping handbills or circulars from aircraft.~~

~~—No person shall drop, distribute or throw from any aircraft any handbill, circular or other printed literature or any other object or substance whatsoever.~~

ARTICLE II. RAPID CITY REGIONAL AIRPORT

Division 1. Generally

~~13.28.070 Definition.~~

~~—As used in this article, the term **AIRPORT** or **MUNICIPAL AIRPORT** means the Rapid City Regional Airport, as described in § 13.28.080.~~

~~13.28.080~~ 13.28.020 Established.

The following described property, together with such other lands and facilities as may be used in connection therewith for airport purposes, shall constitute and be known as the Rapid City Regional Airport:

Lot 1 in SW 1/4 Section 5 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 2 and 3 in S 1/2 Section 6 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 4 and 5 in E 1/2 Section 7 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lot H-1 in the SE 1/4 of Section 7, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 6 in NW 1/4 Section 8 of R.C. Airport Subdivision No. 4 in SW 1/4 Section 5, S 1/2 Section 6, E 1/2 Section 7 and NW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 1, Lots 3, 4, 5 and 6 in the SW 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 1 and 2 of the SW 1/4 Section 8 and Lot 1 of SW 1/4 SE 1/4 Section 8, all located in TIN, R9E, BHM, Pennington County, South Dakota; and Lot 7 of R.C. Airport Subdivision No. 1 in SW 1/4, Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 6 in SE 1/4 Section 8 of R.C. Airport Subdivision No. 2 in SE 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 2, Lots 2, 3, 4 & 5 in the SE 1/4 Section 8, TIN, R9E, BHM, Pennington County, South Dakota; and R.C. Airport Subdivision No. 3, Lots 1 & 2 in the SW 1/4, Section 9, TIN, R9E, BHM, Pennington County, South Dakota; and Lot H-1, NW 1/4, Section 16, TIN, R9E, BHM, Pennington County, South Dakota; and all of Section 17, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 2 in SE 1/4 Section 20 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and all of the N 1/2 of Section 20, TIN, R9E, BHM, Pennington County, South Dakota; and Lot A and B, SW 1/4, Section 20, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 3, 4, 5 & 6 in Section 21 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and S E 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and Lot 5 A in SW 1/4 SW 1/4 of Section 21 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota; and W 1/2 NW 1/4, NW 1/4 SW 1/4, Pt. SW 1/4 SW 1/4, Tracts G and H in the SE 1/4 NW 1/4 and E 1/2 SW 1/4, and Tract I in the SW 1/4 SW 1/4, Section 21, TIN, R9E, BHM, Pennington County, South Dakota; and Lots 7 and 8 in N 1/2 of Section 28 of R.C. Airport Subdivision No. 5 in SW 1/4 Section 16, SE 1/4 Section 20, W 1/2 and SE 1/4 Section 21 and N 1/2 Section 28, TIN, R9E, BHM, Pennington County, South Dakota.

~~13.28.090~~ 13.28.030 Police power—Extension to airport.

The police power of the city is extended to include all territory of the ~~municipal~~ a Airport.

~~13.28.100~~ 13.28.040 Applicability of ordinances.

The lands included in the ~~municipal~~ a Airport shall be deemed to be a part of the corporate limits of the city, and all general ordinances of the city are declared to be applicable to the ~~a~~ a Airport.

13.28.110 13.28.050 Maintenance, management and operation—Manager's Executive Director's authority.

A. The Executive 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.

B. The Executive Director is authorized to

1. interpret, administer, and enforce agreements and the Airport's Primary Guiding Documents,

2. allow, where and when appropriate, temporary, short-term occupancy or use of certain Airport land or improvements, and

3. obtain and receive copies of all licenses, permits, certifications, ratings, certificates of insurance, and other documents required to be provided to, or filed with, the Airport Board in accordance with the Airport's Primary Guiding Documents.

~~—A. The maintenance, management and operation of the airport shall be supervised by the Airport Manager. The Airport Manager shall have the right to make and promulgate rules and regulations for the management and good order of the airport and to deny the privileges of the airport to any person violating any such rule. The rules and regulations shall be subject to the approval of the Common Council.~~

~~—B. The Airport Manager shall, at all times, have authority to take such action as may be necessary in the handling, conduct and management of the public in attendance at the airport, and shall have police authority to enforce all rules and regulations in and around the airport.~~

13.28.120 13.28.060 Commercial aviation aeronautical activities permit.

~~—A. No person shall use the airport as a base or terminal for conducting commercial aviation aeronautical activities, or carrying passengers, freight, express or mail, or for student flying, without first securing a permit from the Airport Board city. Fees, terms, and conditions and charges for permits and the use of Airport facilities will shall be established from time to time by the Airport Board. Any person violating this Section shall be subject to the general penalty provisions of Chapter 1.12. A permit will be issued to any individual upon request and upon receipt of the established fee and upon receipt of a signed statement that the individual has read the rules and regulations prescribed in this article and upon compliance with subsection B. of this section.~~

~~—B. No permit for commercial flying purposes shall be issued unless the applicant agrees to indemnify and hold the city harmless from and against all liabilities, judgments, costs, damages and expenses which may accrue against, be charged to or recovered from the city by reason or on account of damage to the property of the city or the property of, injury or death of any person, arising from the applicant's use and occupancy of and operations at the airport, including acts of his or her agents, contractors and subcontractors, and not arising solely out of the negligence of the city, its agents or employees. Any final judgment rendered against the city for any cause for which the applicant is liable hereunder shall be conclusive against the airline as to liability and amount. Each applicant shall, at his or her own expense, keep in force insurance of the following types and in not less than the following amounts, issued by a company or companies of sound and adequate financial responsibility, insuring the applicant and the city against all liabilities for accidents arising out of or in connection with the applicant's use and occupancy of and~~

operations at the airport, and shall furnish to the city certificates evidencing the insurance, and naming the city as an additional insured thereunder, subject to the preceding limitations in respect to the city's negligence:

- 1. Aircraft bodily injury liability insurance: \$100,000 per person; \$1,000,000 per accident.
- 2. Aircraft property damage liability insurance: \$300,000 per accident.
- 3. Comprehensive bodily injury liability insurance: \$100,000 per person.
- 4. Comprehensive property damage liability insurance: \$100,000 per accident.

—C. Permittees assume all risks incidental to use of the airport. The permission granted by the city to use the airport and its facilities or to fly to, from, or over the same, shall be at all times conditioned upon the assumption of full responsibility therefor by every person exercising or taking advantage of the permission. It shall be a further condition thereof that each person, as a consideration for the use of the airport and its facilities, shall at all times release, hold harmless and indemnify the city or its agents and employees from any and all responsibility, liability, loss or damage resulting to any such person or caused by or on his or her behalf incident to the manner in which the airport is operated, constructed or maintained, or served from within or used from without, except injury or death resulting solely from the negligence of the city, its agents or employees. The use of such airport by any person for any purpose or the paying of any fees thereof, or the taking off or landing of aircraft thereon, shall be itself an acknowledgment that the person accepts the privileges on the conditions herein set forth.

~~13.28.130~~ Lease agreements, generally.

—Applications for lease of ground or space at the airport will be obtained from the Airport Manager, who will take necessary steps to see that they are processed through the Airport Board and negotiated through it.

~~13.28.140~~ 13.28.070 Permit or lease for sale of goods or services Concessions.

No person shall sell any goods or services at the Airport unless first gaining approval by the Airport Board. Any person violating this Section shall be subject to the general penalty provisions of Chapter 1.12.

—A permit or lease authorizing the sale of any goods or services at the airport, either by vending machine or otherwise, must be approved by the Airport Board.

~~13.28.150~~ Revocation of use permits.

—Any operator, tenant or other person violating any of the rules or regulations contained in this article may have his or her permit to use the airport revoked or suspended, after hearing by the Airport Board. Any person whose permit has been revoked shall have the right to have the permit restored to him or her, upon application to and approval by the Airport Board.

~~13.28.160~~ 13.28.080 Plans and specifications for buildings.

Plans and specifications for all types of buildings to be erected on the ~~a~~Airport shall be submitted to and approved by the Airport Board ~~Airport Manager, the City Engineer and the Building Official~~ Inspector.

~~13.28.170~~ Responsibilities of instructors.

~~—All persons instructing student pilots flying on the airport shall fully acquaint such students with the rules and regulations in effect on the airport, and shall be responsible for the conduct of the students while under their supervision.~~

**~~13.28.180 Movement of personnel and vehicles on runways, taxi strips or ramp areas—
Other vehicle regulations.~~**

~~—A. The movement of personnel or vehicles on the runways and taxi strips at the airport shall not be permitted unless permission has been granted for the movement by the Federal Aviation Administration control tower, during its hours of operation. When the control tower is closed, permission shall be obtained from the Airport Manager.~~

~~—B. The movement of personnel or vehicles on the airport ramp areas shall not be permitted unless permission has been granted for the movement by the Airport Manager. No vehicles will be allowed east of the east building line without permission of the Airport Manager. No vehicles will be parked on any of the taxi strip areas. All vehicles permitted on the ramp areas shall be operated at a safe and prudent speed with extreme caution.~~

~~13.28.190—13.28.090 Leaving parking lot without paying fee.~~

~~It is unlawful for any person to leave or attempt to leave the parking lot at the aAirport without paying the prescribed parking fee. Any person violating this Section shall be subject to the general penalty provisions of Chapter 1.12.~~

~~13.28.200—13.28.100 Removal of illegally parked vehicles.~~

~~The Executive Director ~~Airport Manager~~ shall have authority to remove or cause the removal of all vehicles found ~~illegally parked at the airport in an area not designated for public parking at the Airport~~ and to store the same at some place designated for that purpose.~~

13.28.110 Trespassing.

A. It is unlawful for any person to enter upon property under the control of the Airport Board that is not open to the use of the public unless he or she has first obtained the consent of the Executive Director.

B. It is unlawful for any person to enter upon property leased by agreement with the Airport Board that is not open to the use of the public unless he or she has first obtained the consent of the lessee or person in possession or control thereof.

C. Any person in violation of this section shall be subject to the general penalty provision in Chapter 1.12.

~~13.28.210 Storage of flammable liquids.~~

~~—Gasoline or other flammable liquids, including those used in connection with the processes of doping, shall not be stored in hangars at the airport. The storage of the liquids shall be in compliance with the regulations of the American Insurance Association, successor to the National Board of Fire Underwriters, for the construction and installation of containers for flammable liquids.~~

~~13.28.220 Smoking restrictions.~~

~~—No person shall smoke in any hangar or in any room or building on the airport, except in offices, waiting rooms or buildings in which smoking is specifically authorized.~~

~~13.28.230 Duty of shop tenants with respect to oily waste, rags and rubbish.~~

~~—Shop tenants at the airport shall provide approved waste cans for the storage of oily waste, rags and other rubbish. The contents of these receptacles shall be removed from time to time by the tenants.~~

~~13.28.240 Cleaning of hangar floors.~~

~~—The floors of hangars at the airport shall be kept clean and free from oil at all times. The use of volatile or flammable substances for the cleaning of floors is prohibited.~~

~~13.28.250 Accident reports.~~

~~—Every person witnessing an accident at the airport shall report the same to the Airport Manager and shall give such information as he or she may possess.~~

~~13.28.260 Payment for damages to facilities.~~

~~—Damages or injuries to runways, taxiways or other airport installations or facilities shall be paid for by the operator, pilot or other person responsible therefor.~~

Division 2. Aircraft Regulations

~~13.28.270 Compliance with federal regulations.~~

~~—No airperson, as designated by any law or laws of the United States, or other person, shall navigate or fly any aircraft to or from or in the vicinity of the airport other than in conformity with the air traffic rules and other provisions and rules and regulations as established by the Federal Aviation Administration or any of its predecessors.~~

~~13.28.280 Compliance with state law.~~

~~—No airperson or other person shall operate any aircraft over, land upon or take off from the airport other than in conformity with the provisions of SDCL Title 50 of the South Dakota Compiled Laws of 1967, and acts amendatory thereto.~~

~~13.28.290 Operating while intoxicated or drugged.~~

~~—No person shall take any aircraft from a landing area or hangar or operate the aircraft at the airport while under the influence of any intoxicating liquor or habit-forming drug.~~

~~13.28.300 Use of taxistrips and runways generally.~~

~~—A. Taxistrips will be used, instead of runways, whenever possible, to get to and from points of takeoff and landing at the airport. Upon landing, all aircraft shall continue to the first taxistrip or intersection. No 180-degree turns will be permitted. There shall be no deviation from this subsection, except as directed by the Federal Aviation Administration control tower.~~

~~—B. No person shall board nor disembark from any aircraft on the landing or live runway except in case of an emergency.~~

~~13.28.310 Where landings and takeoffs permitted.~~

~~—A. Fixed wing aircraft shall use the airport runways at all times for landings and takeoffs.~~

~~—B. Helicopters shall use the runways and taxiway strips or helipads for all landings or takeoffs, as are designated by the Federal Aviation Administration control tower.~~

~~13.28.320 Clearance for entering runway—Run-up checkups.~~

~~—During the hours the Federal Aviation Administration control tower is in operation, no aircraft shall enter the runway without proper clearance. When the control tower is not in operation, the pilot will operate under his or her own clearing authority, as outlined in Federal Air Regulations. Run-up checks shall be made on the warm-up pad well clear of the live runway.~~

~~13.28.330 Taxiing into or out of hangars prohibited.~~

~~—No airplane shall be taxied into or out of storage hangars at the airport.~~

~~13.28.340 Engines not to be run in hangars.~~

~~—No aircraft engine shall be run in a storage hangar at the airport.~~

~~13.28.350 Parking of unhoused aircraft.~~

~~—A. All unhoused aircraft shall be parked in a space designated for this purpose by the Airport Manager and properly secured when left unattended. Owners of the aircraft will be held responsible for any damage from failure to comply with this subsection.~~

~~—B. All unhangared aircraft, except air carriers, shall be parked in the tie-down areas and shall be firmly secured to the ground by means of rope or other appropriate means.~~

~~13.28.360 Supervision of moving of parked aircraft.~~

~~—Aircraft parked in a hangar or on a ramp at the airport shall be moved only under the direct supervision of pilots, qualified mechanics or qualified line personnel in line of duty, except in an emergency.~~

~~13.28.370 Control when starting or left running.~~

~~—No aircraft engine shall be started or left running at the airport without a competent person at the controls.~~

~~13.28.380 Fueling.~~

~~—A. No aircraft with the engine running shall approach closer than 20 feet to the gasoline pump at the airport. After refueling at the gasoline pump, all aircraft shall be returned immediately to the parking ramp and shall be chocked or the brake set.~~

~~—B. No aircraft shall be fueled while in a storage hangar at the airport.~~

~~13.28.390 Repair work—Location restriction.~~

~~—No aircraft shall be permitted to remain in any part of the landing or take-off area of the airport for the purpose of repairs. All repairs shall be effected at the place designated by the Airport Manager.~~

~~13.28.400 Cleaning engines with flammable liquids.~~

~~—If volatile flammable liquids are employed for the cleaning of engine parts, the cleaning operation shall be carried on in the open air at least 100 feet from any building or airplane.~~

~~13.28.410 Doping operations.~~

~~—The process of doping shall be carried on in a well-ventilated area, with open fire and smoking prohibited.~~

~~13.28.420 Removal of damaged aircraft.~~

~~—Every aircraft owner, or his or her pilot or agent, shall be responsible for the prompt removal of damaged aircraft from the landing area of the airport, upon release from the proper federal authorities.~~

CITY OF RAPID CITY

Mayor

Attest

Finance Officer

(seal)