

## CHAPTER XXI.

### AVIATION

#### ARTICLE I. REGULATING AIRCRAFT OVER CITY.

##### 21-101. DEFINITIONS.

1. Aircraft. The term "aircraft" as used in this article means any aeroplane, airplane, gas bag, flying machine balloon, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily as safety equipment.

2. Acrobatic Flying. The term "acrobatic flying" as used herein means any intentional airplane maneuver or stunt not necessary to air navigation, or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuver.

21-102. AIRCRAFT OWNED BY THE GOVERNMENT, OR LICENSED BY FOREIGN GOVERNMENTS. The provisions of this article shall not apply to public aircraft of the Federal Government, or of a state, or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering operation of such aircraft.

21-103. MINIMUM HEIGHT LIMITS FOR AIRCRAFT. Except while taking off or landing at an established landing field or airport, no person, firm or corporation shall fly or permit any aircraft to be flown within the corporate limits of the City of Gwinner, except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than requirements set by the Federal Aviation Administration; provided that the provisions of this section may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

21-104. OPERATORS OF AIRCRAFT TO BE LICENSED. No person shall operate any aircraft within or over the corporate limits of the City of Gwinner unless such person has first been issued an airman certificate by the Civil Aeronautics Authority and unless such aircraft shall have first received a certificate of airworthiness from the Civil Aeronautics Authority.

21-105. ACROBATIC FLYING PROHIBITED. Acrobatic flying by any person flying over any portion of the City of Gwinner is hereby prohibited.

21-106. LANDING AT OTHER THAN ESTABLISHED AIRPORT PROHIBITED. Except in case of emergency, no person shall land any aircraft within the corporate

limits of the City of Gwinner except upon a regularly established airport field or land place.

21-107. OPERATION SUBJECT TO TRAFFIC RULES OF CIVIL AERONAUTICS AUTHORITY. No person shall operate any aircraft over or within the City of Gwinner in violation of any valid air traffic or other rules or regulation established by the Civil Aeronautics Authority.

21-108. LIGHTS FOR NIGHT OPERATION OF AIRCRAFT. All aircraft when flying within or over the corporation limits of the City of Gwinner at night shall have lights and other equipment required for such flying by the rules, regulations or orders of the Civil Aeronautics Authority.

21-109. NOISE BY AIRCRAFT OPERATION. Unnecessary noise, including loud-speaking amplifiers or speakers, by operators of aircraft within or over the corporate limits of the City of Gwinner is hereby prohibited.

21-110. DROPPING OBJECTS FROM AIRCRAFT PROHIBITED. No person in any aircraft shall cause or permit to be thrown out, discharged, or dropped within the corporate limits of the City of Gwinner, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft.

21-111. RECKLESS OPERATION OF AIRCRAFT. No person shall operate an aircraft in the air, or on the ground, in the City of Gwinner on the Municipal Airport, while under the influence of alcoholic beverages, narcotics, or other habit-forming drug, nor operate an aircraft in the air or on the ground in a careless or reckless manner so as to endanger life and property.

## ARTICLE II. MUNICIPAL AIRPORT

21-201. ONLY LICENSED AIRCRAFT AND PILOTS TO USE. Only aircraft and air pilots duly licensed by the State or North Dakota or the Secretary of Commerce of the United States shall be permitted to use the Municipal Airport of the City of Gwinner; provided, however, that this restriction shall not apply to public aircraft of the Government of the United States or of any state, territory or political subdivision or possession of the United States, or of any foreign country.

21-202. UNDER SUPERVISION AND CONTROL OF CITY COUNCIL. The Municipal Airport shall be under the supervision, direction and control of the City Council and its Airport Committee. The care, management, supervision and control of such Municipal Airport shall be under such rules and regulations as the City Council shall, from time to time, prescribe.

21-203. PERMIT REQUIRED FOR SALE OF REFRESHMENTS OR MERCHANDISE. No person, firm or corporation shall engage in the sale of or make any individual sale of refreshments, or any other merchandise of commodity or service

within the confines of the Municipal Airport without previously having obtained therefore a permit from the City Council of the City of Gwinner.

21-204. ORDINANCES OF CITY APPLY. The ordinances of the City of Gwinner, so far as applicable, are hereby extended to and shall apply to the Municipal Airport, and to the entire area thereof.

21-205. LEASE OF SPACE AT AIRPORT; TERM. The City Council may in its discretion lease to private parties space or area at the Municipal Airport for hangars and other improvements and uses as is consistent with the use of the airport and which does not deprive the public of its rightful use of said Municipal Airport. No lease shall be made for a term of more than 5 years.

21-206. LEASE IN WRITING; RECORDING OF. All leases of space or area at the Municipal Airport shall be in writing and executed in duplicate, and shall be subject to the provisions of this Article and such rules and regulations as the City Council may from time to time prescribe. The City Auditor shall cause said lease to be filed in the office of the Register of Deeds of Sargent County, North Dakota.

21-207. PRIVATE PROPERTY LOCATED ON AIRPORT NOT EXEMPT FROM TAXATION. Private property that may be placed or constructed on lease space or area of the Municipal Airport shall not be exempt from taxation by reason of its location upon the property of the City. The City Auditor shall provide the proper taxing authorities of Sargent County with a record of all private property situated upon the Municipal Airport and which may be subject to taxation.

21-208. LEASE, CHARGES, AIRPORT. The City Council shall in its discretion determine the lease, rental or permit fees to be charged of private parties for use of space or area of the Municipal Airport.

21-209. REVENUE, DISPOSITION, OF. All revenue from the operation of the Municipal Airport shall be credited to the Airport Fund and used for and operation of the airport only.