

Chapter XX

AVIATION

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reasonable rules and regulations which any person using said airport shall observe and obey with respect to the use of the airport, which shall provide for the safety of those using the same; providing that such rules and regulations shall be consistent with safety and with the present and future rules and regulations and orders of the Federal Aviation Administration.
(Ord. No. 3547, § 1, 9-18-95)

20-0103. Definitions.

The following words and phrases, whenever used in these regulations, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly described to the uses of such words and phrases:

- (1) *Air operations area* shall mean all areas of the airport within the perimeter fencing exclusively reserved for the operation, placement, movement and storage of aircraft and all areas adjacent thereto as defined by FAA regulations and/or the authority.
- (2) *Air movement area* means all runways and taxiways located on the airport.
- (3) *Air traffic* shall mean aircraft in operation anywhere in the airspace and on that area of the airport normally used for the movement of aircraft.
- (4) *Aircraft* shall mean any contrivance now known or hereafter invented, used or designed for navigation or flight in the air.
- (5) *Airport* shall mean and have reference to all of the areas comprising the Grand Forks International Airport, more commonly known as the Grand Forks Mark Andrews International Airport, including future expansion and development of the airport and facilities thereon.
- (6) *Authority* shall mean the Grand Forks Regional Airport Authority created by this chapter.
- (7) *City* shall mean and have reference to the City of Grand Forks.

tate, trust, business trust, receiver, syndicate or any other group or combination acting as a unit, any public district, municipal corporation, or public corporation.

- (17) *Traffic* shall mean pedestrians and vehicles, either singly or together while using any driveway.
- (18) *Vehicles* shall mean a device in, upon or by which any person or property is or may be propelled, moved, or drawn upon a highway excepting a device moved by human power.

(Ord. No. 3547, § 1, 9-18-95)

20-0104. Supervision of airport.

The authority shall control, supervise, operate and maintain the facilities at the airport. The authority shall also have the duty to regulate and maintain order on the premises of the airport with the right to establish reasonable rules and regulations for the conduct of the airport and aircraft at the airport, as well as the conduct of any person using the airport or its facilities, so long as such rules and regulations are not inconsistent with the rules of any higher city official, the city council, or any state or federal authority having jurisdiction over such matters.

(Ord. No. 3547, § 1, 9-18-95)

20-0105. Use of airport property.

Any permission granted by the city council, the authority, or its executive director, directly or indirectly, expressly or by implication, to enter upon or use the airport or any part thereof (including aircraft operator, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of airlines, lessees and other persons occupying a space at such airport, persons doing business with the Grand Forks Mark Andrews International Airport, its lessees, sub-lessees, and permittees, and all other persons whatsoever whether or not of the type indicated), is conditioned upon compliance with airport rules and regulations, and entry upon or into the airport by any person shall be deemed to constitute an agreement by such person to comply with said rules and regulations.

(Ord. No. 3547, § 1, 9-18-95)

operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport. (Ord. No. 3547, § 1, 9-18-95)

20-0109. Approach; protection.

The City of Grand Forks and the authority reserves the right to take any action that may be necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent any outside party from erecting, or permitting to be erected, any building or other structure on the airport which in the opinion of the city or the authority would limit the usefulness of the airport or constitute a hazard to aircraft. (Ord. No. 3547, § 1, 9-18-95)

20-0110. Conduct of business.

(1) *Fixed base operations and other commercial use.* No person shall use the airport as a base or terminal for the carrying on of commercial aviation, or agricultural aviation, or the carrying of passengers, freight, express, or mail, or of student flying, communications, or for other commercial transportation, or for any other purpose, without first securing a permit for such privileges, and paying the charges prescribed or the rates specifically agreed upon by the authority and such person for such use.

(2) *Concessions.* No person shall engage in the sale of refreshments or any other commodity, including petroleum products, or of any service, at the airport, except with the written approval of the authority and upon payment of the rates and charges prescribed, or the rates specifically agreed upon by the authority and such person for such use. Further, no person shall solicit funds from the public on the airport for any purpose or place, distribute or display signs, advertisements, handbills, circulars, printed or written matter, without the prior written approval of the authority, or with respect to exclusively leased areas of the airport, the leaseholder thereof.

(3) *Petroleum products.* No person shall transport into, or store upon the airport premises, aviation or automotive fuels for personal use or resale without the approval of the authority. (Ord. No. 3547, § 1, 9-18-95)

20-0115. Same—Prohibited in aircraft areas.

(1) Except as provided by the rules and regulations of the authority, and except for emergency vehicles responding to an emergency, it shall be unlawful for any person to operate a vehicle in the air operations area of the airport or any other portion of the airport that has been posted by the authority as "closed," "restricted" or "no trespassing."

(2) No vehicle shall be operated within fifty (50) feet of the paved portion of any watercraft runway or taxiway or upon the paved portion of any aircraft parking apron or upon any aircraft tiedown or parking area; except that any pilot or aircraft owner's vehicle or any commercial vehicle may travel to, upon, and from any apron area incidental to the loading and unloading of passengers and cargo, provided the driver of said vehicle exercises due caution on and near the apron areas and is escorted to said areas by an authorized airport official or has secured a vehicle permit from the authority.

(Ord. No. 3547, § 1, 9-18-95)

20-0116. Same—On dual purpose taxiway - roadways and aprons.

Aircraft shall be deemed to have the right-of-way at all times and it shall be up to the ground vehicle to avoid collision. In no case shall a vehicle move into an area where an aircraft is in movement or has its engine running. Pilots of aircraft shall exercise due caution while taxiing on surfaces used in common with vehicular traffic.

(Ord. No. 3547, § 1, 9-18-95)

20-0117. Same—Speed limits.

Motor vehicles shall be operated on established streets and driveways in strict compliance with speed limits posted on traffic signs and in any event shall not be in excess of twenty-five (25) miles per hour (excluding the one (1) mile long entrance road intersecting with U.S. Highway No. 2 which is signed for speeds up to fifty (50) miles per hour) and shall be in conformity with all motor vehicle ordinances, regulations and practices of the City of Grand Forks and shall at all times be operated in a proper and

20-0121. Same—Parking in public parking lot.

Operators of motor vehicles making use of the public lot at the Grand Forks Mark Andrews International Airport shall observe and comply with regulatory and directional traffic signs for entry upon and departure therefrom and shall pay the posted parking charges for the right and privilege of parking therein.

(Ord. No. 3547, § 1, 9-18-95)

20-0122. Same—parking in designated loading zones.

No vehicle shall be parked within designated "loading zones" in front of the terminal building for a period longer than is necessary to actually take on or discharge passengers, except that limousines and taxicabs may be parked while awaiting prospective passengers in loading zones as may be specifically assigned for such purpose by the authority as provided in section 20-0111 of this article.

(Ord. No. 3547, § 1, 9-18-95)

20-0123. Same—Parking related violations.

All sections of this article shall be complied with and with regards vehicle parking it shall be unlawful and a violation of this article for any persons to:

- (1) Park any vehicle in such manner as to cause a hazard or in any way be an obstruction to vehicular or other traffic.
- (2) To park in any areas designated and marked for the parking of taxicabs, limousines or automobiles offered for hire to the public or in any other restricted areas on the airport so designated by signs or markings.
- (3) To violate any of the driving or parking provisions of this article or any of the rules and regulations of the authority covering operation of vehicles on the airport.
- (4) To tamper with, deface, break, destroy or impair the usefulness of any equipment installed for the conduct of public parking at the Grand Forks Mark Andrews International Airport.

(Ord. No. 3547, § 1, 9-18-95)

by or on such person's behalf, and incident to the manner in which the airport is operated, constructed, maintained, or served from within or without.

(2) The use of the airport by any person for any purpose, or the paying of any fees therefor, or the operation of aircraft thereon, shall be in itself an acknowledgement that such persons accept such privileges on the conditions herein set forth.

(Ord. No. 3547, § 1, 9-18-95)

20-0127. Airport users do so at own risk.

All airline operators, pilots, commercial operators, or other persons shall use the Grand Forks Mark Andrews International Airport at their risk, and in case of failure of field lights or any other city or authority owned facility, neither the City of Grand Forks nor the authority will assume the responsibility or liability.

(Ord. No. 3547, § 1, 9-18-95)

20-0128. Penalty for parking violations.

Penalties for parking violations shall be the same as those set forth in section 8-0930 of the Grand Forks City Code.

(Ord. No. 3547, § 1, 9-18-95)

ARTICLE 2. REGIONAL AIRPORT AUTHORITY

20-0201. Preamble; creation of authority.

(1) A public hearing on the matter of the creation of a regional airport authority was held, pursuant to North Dakota Century Code Section 2-06-03 on the sixth day of April and twentieth day of April, 1987.

(2) It is now necessary to determine and declare the public convenience and necessity of such an authority and to create such an authority.

(3) The public convenience and necessity require the creation of a regional airport authority; pursuant to the provisions of the home rule Charter of the City of Grand Forks, North Dakota, and

20-0202. Intent and purpose.

It is the intent and purpose by adoption of this article and resolution that the regional airport authority is to accommodate the community and region at large with a cohesive governing body or board of commissioners that will provide the policy, structure, zoning, land acquisition, regulations and approval process necessary to oversee the development and management of an airport for the good of the communities and area which it serves. This purpose includes sound fiscal management functions, the adoption and approval of all operating maintenance budgets and capital improvement programs in addition to the appropriate staffing of a professional airport management team.

20-0203. Name.

Such regional airport authority shall be designated and named by joint resolution of the city council for the City of Grand Forks, North Dakota, and the county commission for the County of Grand Forks, North Dakota.

20-0204. Powers.

Subject to any restrictions or limitations herein, the regional airport authority created hereunder shall have such powers as granted by North Dakota Century Code Chapter 2-06.

20-0205. Incorporation.

The regional airport authority created hereunder shall be a public body, corporate and politic. The chairperson of the commission, as established herein, shall file, in joint action with the auditor for the City of Grand Forks and the auditor for the County of Grand Forks, a certified copy of the ordinance and/or resolution adopted by the respective entities with the North Dakota Secretary of State for the issuance of a certificate of incorporation as provided for by North Dakota Century Code Chapter 2-06.

20-0206. Members of board of commissioners—Number; terms.

The powers and responsibilities of the regional airport authority shall be vested in a board of commissioners consisting of five (5) members; three (3) of which shall be residents of the City of

Grand Forks and appointed by the mayor of the City of Grand Forks and confirmed by the city council for the City of Grand Forks. Two (2) members shall be appointed by the county commission for the County of Grand Forks and shall be residents of either the City of Grand Forks and/or the County of Grand Forks. Commissioners first appointed shall be appointed for terms of one (1), two (2), three (3), four (4) and five (5) years, but thereafter each commissioner shall be appointed for a term of five (5) years. The commissioners first appointed by the county commission for the County of Grand Forks shall serve for initial terms of two (2) and four (4) years, respectively. The initial members to be appointed by the City of Grand Forks shall serve for initial terms of one (1), three (3) and five (5) years, respectively.

20-0207. Same—Qualifications.

Qualifications for the selection for regional airport authority's board of commissioners by the participating cities and/or counties are as follows:

- (1) A minimum of one (1) commissioner, appointed from any of the classifications set forth hereinafter, shall hold a valid airman certificate issued by the FAA of at least a private rating. Student certificates shall not qualify.
- (2) Three (3) commissioners shall be selected and appointed from the following professions or areas of expertise:
 - (A) Persons licensed to practice law before the highest court in the State of North Dakota and having actively practiced his or her profession for the preceding five (5) years.
 - (B) Persons from the field of banking, finance or investments and having actively practiced his or her profession for the preceding five (5) years.
 - (C) Persons from the field of commercial insurance and having actively practiced his or her profession for the preceding five (5) years.
 - (D) Persons from the fields of industry, commerce, engineering, accounting, planning, labor or agriculture, and having actively practiced his or her profession or vocation for the preceding five (5) years.

- (3) The remaining commissioners as well as commissioners for additional participants shall be selected at large, being representative of the general public.

20-0208. Same—Chairperson.

There shall be elected a chairperson and vice chairperson from among the appointed commissioners.

20-0209. Additional participants in authority.

Additional counties and/or cities, whether in the states of Minnesota or North Dakota, may participate and become a member of said regional airport authority upon resolution and agreement.

20-0210. Additional members of board.

The number of commissioners shall be expanded by one (1) member for each newly participating city having a population in excess of seven thousand five hundred (7,500). The number of commissioners shall be expanded by one (1) member for each newly participating county. Said commissioners shall be appointed by the newly participating city and/or county for a term of five (5) years. Such commissioners may be appointed from any of the qualifications as set forth in section 20-0207 herein.

20-0211. Contributions by additional participants.

Additional counties participating in the regional airport authority shall contribute an amount equal to the revenue generated by four (4) mills levied upon all property within the county, including that property within cities, townships or park districts having an airport levy. In the event contributions by the City of Grand Forks and the County of Grand Forks should decrease from levels existing after the initial participation of additional counties, such additional counties shall have a similar pro rata reduction in the required contribution.

20-0212. Vacancies on board of commissioners.

Any vacancy by reason of nonresidence, incapacity, resignation, removal or death shall be filled in the manner provided for the appointment of commissioners herein for the unexpired term.

A commissioner's term shall be continued until the appointment of a successor.

20-0213. Removal of commissioners.

A commissioner may be removed from office by two-thirds ($\frac{2}{3}$) vote of the governing body for the appointing participant, but only after the service of notice stating such cause for removal is made upon the individual commissioner or commissioners and then upon the public hearing of such removal matter.

20-0214. Salaries of commissioners.

No salary shall be paid to the commissioners but such commissioners shall be entitled to reimbursement for actual, reasonable and necessary expenses incurred in the performance of their official duties.

20-0215. Regulations.

The regional airport authority board of commissioners shall have the power to adopt such policies, procedures, rules and/or regulations as it may determine to be reasonably necessary and/or convenient.

20-0216. Records and reports.

The regional airport authority board of commissioners shall keep a full and complete record of all transactions of the authority. The regional airport authority shall provide a detailed report on or before the first day of January of each year to the governing bodies for the participating entities.

20-0217. Civil service.

The regional airport authority board of commissioners shall establish procedures, rules and regulations providing for the classification of employees, employment criteria, pay schedules, grievances and appeals for the employees of the regional airport authority, except the regional airport authority commissioners.

20-0218. Retirement and pension plan.

The regional airport authority board of commissioners shall provide and establish a retirement and pension plan for benefit of

all authority employees, except the regional airport authority commissioners.

20-0219. Conflict of interest.

(1) No person, while a member of the regional airport authority board of commissioners, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of a person's income, directly or indirectly from any association, firm, corporation, business or other organization doing business on any airport property under the authority's jurisdiction.

(2) No person, while a member of the regional airport authority board of commissioners or an employee of the regional airport authority, shall participate in any manner in any decision or action of the board of commissioners where that person has a direct or indirect financial interest. However, persons purchasing oil, fuel or other concessions, or leasing hangar space, real estate or having other minimum business contacts with the regional airport authority shall not be excluded from participation.

(3) No person is eligible to be appointed as a member of the regional airport authority board of commissioners if the person has been employed with an entity, or an affiliated company of an entity, that has been doing business on any airport property under the authority's jurisdiction within one (1) year from the date when the person's term on the commission will begin.

(4) No two (2) members of the regional airport authority board of commissioners shall be appointed from the same public or private institution, organization, firm or business.

20-0220. Transfer agreement.

The mayor of the City of Grand Forks is hereby authorized and empowered to negotiate the terms, conditions and provisions of a transfer agreement with the regional airport authority for the orderly transfer of real and personal property, indentures, indebtedness, financial obligations, contracts, agreements, personnel and all other matters incidental, necessary or convenient to the establishment and operation of the regional airport authority created hereunder. However, said transfer agreement shall not

be effective without the approval and concurrence of a majority of the city council for the City of Grand Forks, North Dakota.

20-0221. Grant of usage of real and personal property.

The conveyance, grant or usage of any and all real and/or personal property shall be in the manner set forth in the transfer agreement as provided for by section 20-0220.

20-0222. Tax levy limitations.

The amount of any tax certified for collection by the regional airport authority to the governing bodies of the participating entities shall not exceed the maximum levy permitted by North Dakota Century Code Section 57-15-06.7(1) for counties and Section 57-15-15(18) for cities.

20-0223. Applicable state law.

Any and all actions by the regional airport authority board of commissioners shall be undertaken pursuant to and in accordance with the provisions of North Dakota law.

20-0224. Repealer.

Any resolutions, ordinances, orders, regulations or parts thereto in conflict herewith, to the extent of such conflict, are hereby repealed.

20-0225. Effective date.

This article and resolution shall be effective upon the adoption of a conforming resolution by the Grand Forks County Commission and upon the joint execution by the mayor of and for the City of Grand Forks, North Dakota, and the chairman of and for the county commission, County of Grand Forks, State of North Dakota.

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