

## ORDINANCE NO. 2505

### AN ORDINANCE AMENDING THE CODE OF THE CITY OF GARDNER BY ADDING TITLE 11 "AVIATION".

WHEREAS, effective December 31, 2015, the Governing Body will resume management and control of the Gardner Municipal Airport; and

WHEREAS, rules and regulations for the operation of the airport including minimum standards need to be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

**SECTION ONE:** The Governing Body of the City of Gardner, Kansas now deems it advisable to add Title 11 "Aviation" as follows:

#### **Chapter 11.05 Operation and regulations**

**11.05.010 Definitions.** As used in this chapter, the term "airport" means the Gardner Municipal Airport, and the term "aircraft" means any aeroplane, airplane, gasbag, flying machine, balloon and any contrivance not known or hereafter invented and used or designed for navigation or flight in the air, except a parachute or other contrivance used primarily as safety equipment.

**11.05.020 Location.** The Gardner Municipal Airport, established for the use of the general public, is located at 31905 W. 175<sup>th</sup> Street, Gardner, KS 66030.

**11.05.030 Management.** The management of the airport shall be under the jurisdiction of the City Administrator or designee. The City Administrator shall appoint an Airport Manager as provided for within the Airport Minimum Standards.

#### **11.05.040 Airport manager.**

- (a) The Airport Manager, the authority in control of the airport, will maintain supervision of all activities on the airport grounds subject to the rules and regulations adopted and promulgated by the City to include enforcement of traffic pattern regulations in effect at the airport. It shall be the duty of the Airport Manager to enforce provisions of this article. The Airport Manager shall have the right to deny the use of the field and its facilities to anyone violating the provisions of this article and the provisions of all rules and regulations adopted by the City.
- (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.
- (c) The Airport Manager shall have the authority to enter into hangar leases.

**11.05.050 Rules and regulations.** It shall be the duty of the Airport Manager to recommend to the City Administrator and to the Governing Body such rules and regulations as may be necessary for the safe and efficient operation of the airport. Copies of rules and regulations respecting the operation of the airport shall be filed with the City Clerk, and the same shall be effective when approved by the Governing Body.

**11.05.060 Incorporate minimum standards.** The Airport Minimum Standards, January 1, 2016, are hereby incorporated by reference under the provisions of K.S.A. 12-3009 through 12-3012.

**11.05.070 Commercial activity.** No person shall use the airport as a base or terminal for the carrying on of commercial aviation or for the carrying of passengers, freight, express or mail, or operating a flying school in connection with or without a flying club, or for other commercial or private purposes without first securing proper authorization from the Airport Manager and paying such fees and charges as may be prescribed for such privileges as established by the Governing Body.

**11.05.080 Permit for commodity sales.** No person shall engage in the sale or delivery of oil, gasoline or any other commodity including, but not limited to, refreshments such as candy, food, beverages, and the like within the confines of the airport without having previously secured a permit from the Airport Manager and having paid such fees and other sums of money or made such arrangement as the City Administrator shall fix for such privileges.

**11.05.090 Fees and charges.** The Governing Body shall establish all aircraft hangar rental rates, and other fees and charges for the use of hangars, and services provided at the Gardner Municipal Airport. The Airport Manager shall have the authority to set fuel prices.

**11.05.100 Schedule of fees and charges; payment.** The Airport Manager shall maintain a current schedule of charges as approved by the Governing Body for the use of the airport and its facilities. Unless otherwise provided by lease or agreement, no person shall use any area of the airport or any of its facilities, except areas open for use by the general public, without payment of the prescribed fees and charges.

**11.05.110 Records.** Every person engaged in business or operations at the airport shall maintain an up-to-date file containing the name, address, telephone number and occupation of all employees. This information shall be available to the Airport Manager on request.

**11.05.120 Advertisements.** No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport without the approval of the Airport Manager.

**11.05.130 Lost articles.** Any person finding lost articles at the airport shall turn them over to the Airport Manager. Unclaimed property shall be held for a period of three months and disposed of as directed by the City Administrator.

**11.05.140 Interference with aircraft operations.** No person shall raise, release, or cause to be raised or released any object or thing including, but not limited to, balloons, kites, rockets or model airplanes on or above the airport or within an established zoning area of the airport which in any manner might interfere or endanger the safety of aircraft operations.

**11.05.150 Oil and gasoline; unlawful sale or delivery.** The City, at the airport, shall have exclusive right and control of the sale of all gasoline and oil, which may be sold or delivered to the owner or operator of an aircraft on the airport. The selling price for all aircraft gasoline and oil sold at the airport shall be at the price to be fixed by the City Administrator or designee.

**SECTION TWO:** This Ordinance shall take effect and be in force on December 31, 2015.

PASSED by the City Council this 23<sup>rd</sup> day of November, 2015.

SIGNED by the Mayor this 23<sup>rd</sup> day of November, 2015.

(SEAL)

CITY OF GARDNER, KANSAS

/s/ Chris Morrow  
Chris Morrow, Mayor

Attest:

/s/ Jeanne Koontz  
Jeanne Koontz, City Clerk

Approved as to form:

/s/ Ryan B. Denk  
Ryan B. Denk, City Attorney