

BYLAW NO. 10-17

**BEING A BYLAW TO REGULATE THE KINDERSLEY REGIONAL AIRPORT,
AND TO PROVIDE FOR AIRPORT AUTHORITY, RULES, REGULATIONS AND FEES**

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The Council of the Town of Kindersley in the Province of Saskatchewan enacts as follows:

PART:

1. CITATION

This Bylaw may be cited as "The Airport Bylaw".

2. GOVERNING LEGISLATION

The Aeronautics Act prevails in all circumstances where there might arise a conflict between the Act and The Airport Bylaw.

3. DESCRIPTION OF AIRPORT

The following land is hereby declared to be an airport of the Town of Kindersley namely:

All that portion of the North Half of Section Twenty-Eight (28), in Township Twenty-Nine (29), in range Twenty-Three (23), West of the Third Meridian, in the Province of Saskatchewan, in the Dominion of Canada shown as Parcel "C" on a Plan of Record in the Land Titles Office for the Saskatoon Land Registration District as No. 91-S-19316.

4. DEFINITIONS

In this Bylaw, unless the context otherwise requires expression,

4.1 "AIRPORT" shall mean the Kindersley Regional Airport (YKY);

- 4.2 “AIRPORT MANAGEMENT” shall mean the Airport Manager and Chief Administrative Officer or his/her designate.
- 4.3 “AIRPORT MANAGER” shall mean the Airport Manager or his/her designate;
- 4.4 “AIRSIDE” shall mean the area of an airport intended to be used for activities related to aircraft operations including, but not limited to, the taking off, landing, and taxiing of the aircraft and to which access to the general public is prohibited.
- 4.5 “APRON” shall mean that part of the airport, other than the movement area, to be used for accommodating aircraft for purposes including:
- a) embarkation or disembarkation of passengers;
 - b) loading or unloading of mail or cargo; or
 - c) fueling, parking, or maintenance of aircraft.
- 4.6 “CAO” means the Chief Administrative Officer of the Town of Kindersley or his/her designate;
- 4.7 “COMMERCIAL USER” shall mean any business or commercial aviation user or operation which includes:
- a) commercial air transportation operations;
 - b) general aviation operations, training, and/or maintenance;
 - c) aerial applicators;
 - e) any other registered or incorporated business as deemed as such by the CAO.
- 4.8 “DESIGNATED OFFICIAL” shall mean any Police Officer, Peace Officer, Municipal or Bylaw Enforcement Officer, Airport Manager, CAO or designate as designated to enforce this Bylaw.
- 4.9 “LANDING FEES” shall mean the fees levied for the use of the Airport for all landings and take offs of aircraft.
- 4.10 “LANDSIDE OR GROUNDSIDE” shall mean that area of an airport not intended to be used for activities related to aircraft operations and to which the public normally has unrestricted access.
- 4.11 “MOVEMENT AREA” shall mean that part of the airport to be used for the maneuvering, taking off, landing, and taxiing of the aircraft, and includes the airside area and apron.
- 4.12 “RECREATIONAL USER” shall mean any user whose aviation purpose is solely for recreational or personal enjoyment, or in an official and authorized government-related capacity.
- 4.13 “RULES AND REGULATIONS” shall mean the airport rules and regulations attached hereto as Schedule “A”, as may be amended from time to time;
- 4.14 “TOWN” shall mean the Municipality of the Town of Kindersley, Province of Saskatchewan.

5. MANAGEMENT

5.1 AIRPORT MANAGER

The Airport Manager is responsible for the operation, maintenance, and management of the Airport, under the direction of the CAO, in accordance with the provisions of this Bylaw including, but not limited to, the following:

- a) overseeing day to day operation of the Airport;
- b) enforcement of the Airport Rules and Regulations, in accordance with Schedule "A", attached hereto;
- c) management of leases for hanger space at the Airport;
- d) management of public tie-down area for both commercial or recreational users;
- e) management of any other agreements with third parties in relation to the Airport;
- g) The Airport Manager shall be required to report to the CAO regarding:
 - i) any accident or injury occurring at the Airport;
 - ii) any party commencing or threatening to commence legal action;
 - iii) any other occurrence which would reasonably be considered to be beneficial or detrimental to the Airport; or
 - iv) any other issue arising that may require the immediate action or response of the CAO.

5.2 THE CAO

The CAO shall be responsible for, but not limited to, the provision of the following:

- a) overseeing all matters related to the Airport as delegated by the Council of the Town;
- b) preparation of an annual operating budget and capital budget for submission to Council for review and approval;
- c) preparation of an annual report including financials;
- d) managing the accounts and capital reserve of the Airport;
- e) advising Council upon the occurrence of:
 - i) any accident or injury occurring at the Airport;
 - ii) any party commencing or threatening to commence legal action;
 - iii) any other occurrence which would reasonably be considered to be beneficial or detrimental to the Airport; or
 - iv) any other issue arising that may require the immediate action or response of the Council.

5 ENFORCEMENT AND PENALTIES

6.1 DESIGNATED OFFICIAL

Only Designated Officials are authorized to enforce this Bylaw.

6.2 INFRACTION OF THE BYLAW AND PENALTY

6.21 Any person who violates any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the penalty provided for by the Town of Kindersley General Penalty Bylaw unless otherwise expressed within this Bylaw (in accordance with Schedule C)

6.22 Any person, including both recreational and commercial users, that receive a total of three (3) infractions under this Bylaw within a 365 day period, are subject to suspension from the Airport for a period not to exceed more than 365 days.

6.3 EXCEPTIONS

Designated Officials and Town of Kindersley municipal employees are exempt from this Bylaw while in the execution of their duties.

6.4 PENALTIES

Any person convicted of a breach of the provisions of this Bylaw shall forfeit and pay the ticket, summons, or notice of violation as set out in Schedule "C".

6.5 WARNING NOTICE

In order to determine the time which a motor vehicle, trailer or aircraft has been parked in a location where parking is restricted to a specific time, any Designated Official may issue a Warning Notice.

6.6 SEIZURE, REMOVAL, and IMPOUNDING OF VEHICLES OR AIRCRAFT

6.61 In addition to, and notwithstanding any penalties provided, any Police Officer or Enforcement Officer may remove or cause to be removed any vehicle, trailer, or aircraft that contravenes any section of the Airport Bylaw including, but is not limited to:

- a) any vehicle, trailer, or aircraft that is unlawfully placed, left, or kept on any roadway, runway, or other public place;
- b) any vehicle, trailer, or aircraft that is unlawfully parked pursuant to this Bylaw;

6.62 The Kindersley Regional Airport may retain a vehicle, trailer, or aircraft until the amount of outstanding fines, if any, and the costs incurred in removing, impounding, and/or storing the vehicle have been paid. The costs shall include, but are not limited to, the following:

- a) The actual cost of removal;
- b) Administration fee of fifty (\$50.00) dollars;

- c) The cost of storage at a rate of ten (\$10.00) dollars per day to a maximum of one hundred fifty (\$150.00) dollars; and
- d) Any actual cost of any legal action.

6.63 Following full payment of any fines, seizure, removal, impounding fees, and/or legal costs the vehicle, trailer, or aircraft will be released to the owner. Owners must remove the vehicle, trailer, or aircraft within forty-eight (48) hours.

6.64 If the fines and costs described in subsection (2) have not been paid within a period of thirty (30) days from the date of seizure, the Airport shall have the right to recover same from the owner of the vehicle by:

- a) legal action in court of competent jurisdiction;
- b) sale of the vehicle, trailer, or aircraft through public auction; or
- c) by private sale of the vehicle, trailer, or aircraft.

6.7 CANCELLATION OF TICKETS

6.71 The CAO may only cancel a Notice of Violation where, in the CAO's opinion, that Notice of Violation was issued improperly or in error or where it would be reasonable to do so.

6.8 PAYMENT OF FINES

6.81 Where any person has committed or is alleged to have committed a breach of any of the provisions of this Bylaw, a ticket, summons, or notice may be served on such person by a Police Officer, Municipal Enforcement Officer, or any person duly authorized by Council. Such person served with a ticket or notice may pay same at the Kindersley Municipality Administration Office between the hours of 8:30 a.m. and 4:30 p.m., excepting Saturdays, Sundays, and public holidays, provided that payment is be made within a period of ten (10) days from the service of the said ticket or notice. If payment is made within such time and accepted, then that person shall not be liable to prosecution for the offense.

6.82 Service of a ticket or notice pursuant to this Bylaw may be made by:

- a) attaching the ticket, summons, or notice to the vehicle or aircraft in respect of which an offense has been committed;
- b) by mailing such ticket, summons, or notice to the last known address of the owner of said vehicle or aircraft; or
- c) by personally delivering the ticket, summons, or notice to the person committing the breach of the provision of this Bylaw or the owner of the vehicle or aircraft.

6.83 If the person given such ticket, summons, or notice fails to pay the specified ticket, summons, or notice within ten (10) days of issue date of ticket, summons, or notice, the dollar amount shall increase as set out in Schedule "C".

7 REPEAL AND COMING INTO FORCE

7.1 Bylaw No. 11-16 and all amendments are hereby repealed.

7.2 This Bylaw shall come into force and be in effect on the final passing thereof.

Introduced and given 1st reading on the 27th day of November 2017

Given 2nd reading on the 27th day of November 2017

Given 3rd reading and thereby adopted on the 27th day of November 2017

(SEAL)

MAYOR

CHIEF ADMINISTRATIVE OFFICER

SCHEDULE "A" – RULES AND REGULATIONS

SECTION 1: GENERAL

- 1.1** Airport Management shall have authority to take such actions as may be necessary in the handling, policy and management of those in attendance at the Airport.
- 1.2** Airport Management shall be authorized to make further rules and regulations and render such decisions as required to enforce all rules and regulations in place at the time governing the use of the Airport.
- 1.3** All persons engaged in activities, aeronautical or otherwise, at the Airport shall be governed by, and shall conduct themselves in accordance with, all rules and regulations enacted pursuant to the Airport Bylaw or by Airport Management, from time to time.
- 1.4** Airport Management assumes no responsibility for injury or damage to persons or property of persons stored on, or using the Airport facilities, by reason of fire, theft, vandalism, collision, or any Act of God. For further clarification, an Act of God is an event that directly and exclusively results from the occurrence of natural causes that could not have been prevented by the exercise of foresight or caution; an inevitable incident such as storm, flood, or earthquake.
- 1.5** The Airport shall be operated in accordance with Canadian Aviation Regulations SOR/96-433.
- 1.6** Airport Management shall have the authority to suspend flying and/or any other operations on the Airport when it is necessary to do so in the interest of public safety.
- 1.7** All persons involved in any accident on the Airport resulting in personal injury or damage to vehicles, aircraft, or other property, or any witnesses thereto, shall immediately report such accident to Airport Management.
- 1.8** Any person observing a condition or hazard that might jeopardize public safety or health should report same immediately to Airport Management.
- 1.9** All commercial operations to be conducted at the Airport must be granted with specific authorization and shall operate under such terms and conditions as may be prescribed by Airport Management.
- 1.10** The use or operation of any airport equipment is prohibited unless authorized by Airport Management.
- 1.11** Only authorized persons are permitted in restricted areas. This does not give any person or persons so authorized the privilege of unrestricted use of the Airport and its facilities.
- 1.12** Dogs or other animals are not permitted on Airport property or in any buildings unless authorized by the Airport Management. Permitted dogs, or other animals, must be leashed and controlled when airside.
- 1.13** Littering on Airport property is prohibited.
- 1.14** No hazardous substances of any kind, liquid or otherwise, shall be allowed to flow into or be placed in any sewer system or, onto the ground or, into a drainage ditch. Airport Management reserves the right to issue a ticket, summons, or notice and thereby fine the user, or to suspend users found in contravention of this provision.

- 1.15 Any violation received by a commercial or recreational user from any other government agency related to airport or aviation use in or out of the Kindersley Regional Airport shall be reported to Airport Management.
- 1.16 Persons impaired by drugs or alcohol may be refused the privilege of using the Airport facilities at the sole discretion of the Airport Management.
- 1.17 No person shall commit any disorderly, obscene, indecent or unlawful act, or commit any nuisance on the Airport.

SECTION 2: FIRE AND SAFETY

- 2.1 No person shall carry any firearms, explosives, or flammable materials on the Airport in any other manner than provided by law, except by written permission of Airport Management.
- 2.2 All persons using the Airport facilities shall exercise the utmost care to guard against fire and/or injury to persons or property.
- 2.3 An adult must supervise children under the age of 16 at all times. Children are not allowed airside without express consent of Airport Management.
- 2.4 Smoking is prohibited unless in those areas designated in the parking lot.
- 2.5 No flammable materials or supplies, liquid or otherwise, or any other hazardous substances shall be used or stored in any hangar on the Airport unless authorized by the Airport Manager. Storage of such pre-authorized liquids shall be in compliance with all federal, provincial and municipal regulations and Bylaws.
- 2.6 Tenants and/or any occupants of buildings shall provide suitable fire-fighting and first-aid equipment in their areas of operation in accordance with agreements made with the Airport Manager.
- 2.7 Cleaning of the aircraft, aircraft parts, or other equipment shall be done with non-flammable cleaning agents or solvents.
- 2.8 The use of any equipment employing open flames or sparks within any aircraft storage hangar is strictly prohibited, unless authorized by Airport Management.
- 2.9 No fuel, grease, oil or flammable liquids of any kind shall be allowed to flow into or be placed in any sewer system or, onto the ground or, into any drainage ditch.
- 2.10 Waste and solvent soaked rags must be stored and disposed of properly to prevent combustion fires and must be removed from all hangars as soon as is possible after usage.
- 2.11 Used oil should be disposed of properly in a clean plastic container with a tight lid, and not to be mixed with anything else – paint gasoline, solvents, antifreeze, etc. at a proper location, it is not suitable that will make it unsuitable for recycling. Used oil must be removed from all hangars as soon as is possible after usage.
- 2.12 All tenants must have, and maintain in good working order, proper fire extinguishing equipment and smoke detectors in private hangars and in all areas where flammable and combustible materials are being used and stored.
- 2.13 All passageways must be unobstructed.
- 2.14 All accidents are to be immediately reported to Airport Management.

- 2.15** In the event of an accident on the airfield, the general public shall stay off the airfield and away from the accident in order not to interfere with emergency and rescue operations. Persons present at on the airfield are asked to cooperate in this respect by helping to keep people from rushing to the scene of the accident. If an aircraft is involved it shall not be moved without authorization from Transport Canada Accident Investigation Division.

SECTION 3: AIRCRAFT OPERATION

- 3.1** The use of the Airport by any pilot and/or aircraft owner is subject to the terms and conditions as set out in these Rules and Regulations by Airport Management.
- 3.2** All unhangared aircraft shall be parked at the Airport in spaces designated for this purpose and shall be adequately chocked or secured. Owners of such aircraft shall be responsible for any damage resulting from failure to comply with this provision. Parking and/or tie-down fees apply, as defined in Schedule C.
- 3.3** Airport Management is not responsible for loss or damage to aircraft or contents occasioned by any cause whatsoever.
- 3.4** Fuel checks are prohibited in all aircraft storage hangars. A suitable tester must be used and direct spillage onto paved areas avoided.
- 3.5** Aircraft shall adhere to all Civil Air Regulations pertaining to the operations of aircraft onto and from uncontrolled airports.
- 3.6** All landings and take offs shall be confined to the movement area. Landing fees shall apply, as defined in Schedule C, and must be reported daily to Airport Management. Failure to report a landing may result in a penalty of \$500 per occurrence or revocation of any or all airport privileges.
- 3.7** In the interest of safety, aircraft engines must not be in operation when passengers are embarking or disembarking, unless previously authorized by Airport Management.
- 3.8** No aircraft shall be fueled while the engine is running, unless otherwise permitted by airport Management.
- 3.9** Aircraft shall not be refueled in any hangar.
- 3.10** Aircraft shall be taxied at a safe and reasonable speed with due regard for other aircraft, persons and property.
- 3.11** All aircraft users arriving at the Airport and wishing to base their aircraft and operate from the Airport shall be required to report to Airport Management. Arrangements for the use of facilities, payment of fees, and required services shall be immediately prepared by the user and provided to Airport Management. The user of an aircraft is responsible for advising Airport Management of his home and business address, and shall be fully responsible for all charges accrued against the aircraft until Airport Management is notified in writing otherwise.
- 3.12** No aircraft shall be parked in such a way as to block movement areas, taxiways or driveways.
- 3.13** All aircraft must be registered and marked in accordance with Aircraft Marking and Registration Standards.

SECTION 4: VEHICLE OPERATIONS

- 4.1** The maximum speed limits are 15 km/hour or as otherwise posted.
- 4.2** The primary use of all hangars is for aircraft storage.
- 4.3** Vehicles authorized by Airport Management to operate in restricted and/or aircraft movement areas must do so at a slow speed and no more than 15 km/hour with due regard for aircraft, persons and property. Managers of such vehicles will be held responsible for any accident, damage or injury caused by their vehicle.
- 4.4** When vehicles are authorized into restricted areas they shall not, under any circumstances, be left unattended.
- 4.5** Vehicles must be parked only in designated parking areas and no operator of a vehicle shall park said vehicle:
 - a)** at locations where designated signage prohibits parking.
 - b)** anywhere within a fire lane.
 - c)** within three (3) metres of the entrance of any lane or roadway.
 - d)** within six (6) metres of a corner.
 - e)** within five (5) metres of a fire hydrant.
 - f)** next to a curb that has been painted yellow.
 - g)** next to a curb that is painted blue, unless said vehicle is displaying the International sign of the disabled with license plates or placards
 - h)** on any Airport property where parking is specifically reserved for:
 - i. Fire, Police or Ambulance vehicles, as designated by signs.
 - ii. Staff only as designated by signs.
 - iii. Vehicles with license plates or placards displaying the International sign of the disabled.
- 4.6** Airport Management shall have the authority to ticket, tow, or otherwise move vehicles found to be improperly parked on the Airport in violation of these Rules and Regulations, at the owner's expense and in accordance with Article 6 of the Airport Bylaw.

SCHEDULE "B"

SCHEDULE OF AIRPORT FEES

	Recreational User	Commercial User
Hangar Fee (per m2)	\$1.65	\$1.65
Lot Fee (per m2)	\$1.20	\$1.20
Transient Tie-Down Fee	\$10.00	\$10.00
Permanent Tie-Down Fee		
Daily	\$7.00	\$7.00
Monthly	\$75.00	\$100.00
Annual	\$500.00	\$750.00
Landing Fee (per aircraft)	\$10.00	\$14.00
Business License	N/A	\$3,600.00

LEASE AGREEMENTS:

A permit or lease agreement shall be required to be in place for all commercial or recreational users who make more than twenty (20) landings per calendar year and/or leases a hangar, lot, or permanent tie-down at the Airport.

EXCEPTION FROM FEES:

No landing fees will be assessed for persons or companies providing emergency services, such as STARS Ambulance.

SCHEDULE "C"

ENFORCEMENT AND PENALTIES - FEES

Any person who violates any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the penalty provided for by the Town of Kindersley General Penalty Bylaw or as outlined below:

INFRACTION	PENALTY	
	Time of Issuance	After 10 days
Abandoned Trailer, Vehicle or Aircraft	\$250.00	\$500.00
Airside Violation	\$250.00	\$500.00
Failure to Report Landing, per occurrence	\$500.00	\$1000.00
Obstruct Roadway (Traffic Obstruction)	\$50.00	\$200.00
Obstructing Runway	\$50.00	\$200.00
Overnight Camping	\$50.00	\$200.00
Parking – Disabled or Fire Lane	\$100.00	\$250.00
Parking – Exceed time limit	\$50.00	\$200.00
Parking – Improper	\$50.00	\$200.00
Parking – where Prohibited	\$50.00	\$200.00
Unregistered Trailer, Vehicle or Aircraft	\$50.00	\$200.00
Unnecessary Noise, Throwing Gravel, etc.	\$50.00	\$200.00
Spilled Hazardous Material	\$500.00	\$1000.00
Damage to Runway, Roads or Grass *Penalty plus all costs associated to restore to previous state	\$250.00	\$500.00