

Chapter 91: Municipal Airport

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Cross-reference: Control by Public Works Department, see § 32.085

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AERIAL SPRAY APPLICATOR. Any person who operates an aircraft to spray fungicides, insecticides or herbicides upon crops and other plants or insects from the aircraft.

AIRCRAFT. Any vehicle designed to fly, glide, float or sail in the air while carrying one or more persons, including but not limited to: airplanes, helicopters, hot-air balloons, gliders, hang gliders and powered gliders.

AIRCRAFT PARKING FEES. The fees, established and from time to time amended by the City Council in accordance with M.S. § 360.038, subd. 6, as it may be amended from time to time, to be charged the operator of transient aircraft parking at the airport. A copy of the applicable fee schedule is to be posted at the airport and is to be furnished on request to the operator of transient aircraft incident to use of the facility.

AIRPORT. Battle Lake Municipal Airport, a publicly-owned but private airport as defined in Minn. Rules **8800.1900** as it may be amended from time to time; that is, a restricted airport at which the persons who may use the airport are determined by the owner of the airport, namely, the city.

AIRPORT MANAGER. The person appointed to this position by the City Council.

AVIATION FUEL AND PETROLEUM PRODUCTS. Any aviation fuel, aviation gasoline, jet fuel, or other petroleum products used in the fueling of aircraft.

CHEMICALS. Any substance produced by a chemical process, and used to kill or control plant growth or insects.

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COMMERCIAL USE FOR AERONAUTICAL PURPOSES. The use of the airport facilities in such a way that the airport is indispensable to the user's for-profit business operation, including specifically but not exclusively: flight instruction; aircraft sales; airframe and/or power plant repair, servicing and inspection; aircraft rental; aircraft fuel and fuel dispensing services; air taxi services; air charters; flying clubs; air freight services; aerial spray applicator's chemical loading and unloading operations; and aerial spray applicator's fueling or refueling operations when a chemical cargo is onboard the aircraft.

CONTROLLED MODEL AIRCRAFT. Any miniature, representation or imitation of an aircraft not capable of carrying one or more persons and operated or controlled by radio signal or attached wire.

FUELING FACILITY. Any temporary or permanent structures, pumps and tanks for the storage and/or sale of aviation fuel and petroleum products. **FUELING FACILITY** includes private tanks and pumps for personal use. **FUELING FACILITY** shall also include tanker or truck deliveries directly to aircraft at or upon the airport.

OTHER COMMERCIAL USE. Any for-profit business operation which is not a commercial use for aeronautical purposes, including specifically but not exclusively: auto-body repair; manufacturing operations; and the subletting of hangar space.

OTHER PRIVATE USE. Any private use which is not for profit, or is casual or intermittent, and to which the airport facilities are not indispensable, including specifically but not exclusively: storage of automobiles, boats, trailers, and recreational vehicles.

PRIVATE USE FOR AERONAUTICAL PURPOSES. Any use of airport facilities in such a way that the airport facilities are indispensable to the activity, and which use is not for profit, or is casual or intermittent, including specifically but not exclusively: aircraft storage, personal repairs on private aircraft; practicing landings or take-offs; medical evacuations by air ambulance; and civil air patrol.

TRANSIENT AIRCRAFT. Aircraft making use of the airport for personal use but not based at the airport. (Ord. 78, passed 10-12-95)

§ 91.02 OPERATOR REGULATIONS.

All operators of aircraft, while using the airport, shall abide by the following regulations:

(A) No person shall load or unload chemicals or fuel, or clean or wash aircraft involved in aerial spray applications at the airport;

(B) No person shall store or dispose of chemicals at the airport;

(C) All pilots shall use standard patterns on take off and landing at the airport;

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(D) Pilots shall be responsible for any damage to airport property and buildings resulting from their operations;

(E) All pilots must give right of way to incoming aircraft; and

(F) All pilots shall have in their possession a pilot's license from the Federal Aviation Administration to operate aircraft together with a certificate of insurance evidencing liability insurance coverage for the operation of aircraft in amounts, as a minimum, set by the City Council.

(G) Except as provided in an easement agreement dated October 9, 2012 and recorded as document Number 1117568, access to the runway shall only be allowed on approved taxiways. (Ord. 78, passed 10-12-95, Revised 11-09-10; Revised 10/09/12) Penalty, see § 10.99

§ 91.03 FUELING PROHIBITIONS.

No person shall directly or indirectly dispense aviation fuel or petroleum products to transient aircraft at the airport nor shall a fueling facility, either temporary or permanent, be established or maintained at the airport. (Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.04 AIRPORT REGULATIONS.

The following regulations shall apply to the airport:

(A) Commercial use for aeronautical purposes and other commercial use, as defined in § 91.01 above, shall be prohibited;

(B) Private use for aeronautical purposes, as defined in § 91.01 above, shall be authorized and encouraged so long as the use is not in conflict with the public interest as determined by the City Council;

(C) Other private use, as defined in § 91.01 above, shall be prohibited, except that a person who is using the airport for private uses for aeronautical purposes may also use the airport facilities for other private uses so long as the other private uses are clearly secondary to the aeronautical uses; and

(D) Aerial operations by an aerial spray applicator, as defined in 91.01 above, whether into, at or from the airport, on either a temporary or permanent basis, are prohibited. (Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.05 USE OF AIRPORT BY TRANSIENT AIRCRAFT.

Subject to the other provisions of this chapter, the parking of transient aircraft; incident to operations into, at or from the airport shall be limited to the parking areas designated lay the Airport Manager and such parking shall be subject to the direction and approval of the Airport Manager after arrangements have been made with the Airport Manager or Clerk-Treasurer for payment of applicable parking fees.

(Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.06 PROHIBITION OF CONTROLLED MODEL AIRCRAFT.

No person shall operate radio controlled or wire-guided model aircraft at the airport. (Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.07 LEASING OF MUNICIPAL AIRPORT GROUNDS.

The city may enter into a grounds-leasing arrangement with an individual or business entity to provide grounds upon which the lessee may construct a hangar. In addition to the provisions of the lease agreement, the following regulations shall apply to grounds leasing:

(A) *Terms of lease.* The City Council shall act to approve or disapprove the time period and rental fee associated with each lease; and the Mayor, after approval by the City Council, shall execute the lease with the lessee.

(B) *Assignment.* The lease agreement shall prohibit the assignment of the lease or underletting the leased premises or any part thereof by the lessee without the specific approval of the City Council.

(C) *Entry and inspection for illegal use.* The city may enter and inspect all airport premises, including leased premises, upon which it has reason to believe violations of this chapter have occurred or are occurring. The right of the city to enter and inspect the premises shall be an implied condition of every lease of municipal airport grounds and facilities. Refusal to permit the authorized city representative to enter and inspect leased premises or premises on leased grounds shall be a violation of the lease, and may result in revocation of the lease.

(Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.08 MOTOR VEHICLE PARKING.

An area for the parking of motor vehicles shall be provided at the airport. The parking of motor vehicles and the use of the parking area shall be subject to the following regulations:

(A) *Authorized users.* The authorized users of the airport motor vehicle parking area shall be:

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- (1) Lessees of airport grounds;
- (2) Owners/operators of transient aircraft; temporarily operating an aircraft from the airport; and
- (3) Visitors/guests of authorized users defined in subsections (1) and (2) above.

(B) *Parking time limit.* The time limit for the parking of motor vehicles at the airport shall be as follows:

- (1) Vehicles belonging to authorized users may be parked for a period of 24 hours or less without payment of a parking fee;
- (2) Vehicles belonging to authorized users parked in excess of 24 hours will be subject to a parking fee;
- (3) Authorized users desiring to park in excess of 24 hours must make arrangements with the Airport Manager or Clerk-Treasurer for payment of the requisite parking fee prior to use; and
- (4) Motor vehicles parked in violation of these regulations shall be subject to towing and storage at the owner's expense. (Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.09 FEES.

The City Council may establish, and from time to time revise, the fees to be charged for the use of various airport facilities. This schedule of fees shall be incorporated into, and shall thereby become a part of, this chapter and may include the following:

(A) *Landing fees.* For the use of the runway, taxiway and aprons at the airport, the operators of all aircraft, whether transient aircraft or aircraft based at the city's airport, shall pay a landing use fee charge for each landing of an aircraft at the airport in accordance with a schedule of landing fees established by the City Council.

(B) *Aircraft parking fees.* For the use of aircraft parking or tie-down areas at the airport, the operators of all aircraft making use of these areas shall pay, or make arrangements to pay, the Airport Manager or the Clerk-Treasurer the appropriate amount in accordance with a schedule of aircraft parking fees established by the City Council.

(C) *Lease of grounds for hangars.* For the use of airport grounds for the construction and/or location of a hangar, the lessee shall pay to the city an annual rental fee established by the City Council.

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(D) *Motor vehicle parking.* For the use of the airport vehicle parking lot for a continuous period exceeding 24 hours, the vehicle owner shall pay, or make arrangements to pay, the Airport Manager or the Clerk-Treasurer the appropriate amount of vehicle parking fees established by the City Council. (Ord. 78, passed 10-12-95) Penalty, see § 10.99

§ 91.10 DEVELOPMENT REGULATIONS.

The City Council wishes to ensure the orderly development of airport hangar lots as established in the April 29, 2011 Airport Hangar Layout Plan and as such has developed the following regulations:

(A) Residential zoning will apply at the airport that allows for public or semi-public use of the property.

(B) Cluster development criteria will be used such that a leased lot is “part of a whole” for impervious surface requirement purposes.

(C) Structures will be constructed allowing for 7.5 foot side setbacks, a 10 foot rear setback and 0 front setback (to clarify, Lot 10 faces west, Lots 12, 14 and 15 face north and Lots 11, 13 and 15 face south).

(D) Structures will be limited in size to 60 feet by 60 feet or 3600 square feet with a height restriction of 20 feet at roof peak, except for Lots 11,13 and 15 where roof peaks may be 25 feet with no restriction on side walls for any lot.

(E) Wells and septic systems will not be allowed. Above ground sealed water tanks may be allowed with a permit from the City’s Public Works Director.

(F) No dwelling areas or living quarters within hangars will be allowed.

(G) The sequence of building development will be by numbered order by tier from east to west (excepting Lot 10).