

## **CHAPTER XIX**

### **AVIATION**

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**ARTICLE I****REGULATING AIRCRAFT OVER CITY****19-101. 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 maneuvers.

**19-102. 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.

**19-103. 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 Lisbon, except at a height sufficient to permit a reasonably safe emergency landing, which in no case shall be less than 1,000 feet; 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.

**19-104. OPERATORS OF AIRCRAFT TO BE LICENSED.** No person shall operate any aircraft within or over the corporate limits of the City of Lisbon 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.

**19-105. ACROBATIC FLYING PROHIBITED.** Acrobatic flying by any person flying over any portion of the City of Lisbon is hereby prohibited.

**19-106. LANDING AT OTHER THAN ESTABLISHED AIRPORT PROHIBITED.**

Except in case of emergency, no person shall land within the corporate limits of the City of Lisbon, any aircraft except upon a regularly established airport field or landing place.

**19-107. OPERATION SUBJECT TO TRAFFIC RULES OF CIVIL AERONAUTICS AUTHORITY.** No person shall operate any aircraft over or within the City of Lisbon in violation of any valid air traffic or other rule or regulation established by the Civil Aeronautics Authority.

**19-108. LIGHTS FOR NIGHT OPERATION OF AIRCRAFT.** All aircraft when flying within or over the corporate limits of the City of Lisbon at night shall have lights and other equipment required for such flying by the rules, regulations. or orders of the Civil Aeronautics Authority.

**19-109. 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 Lisbon is hereby prohibited.

**19-110. 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 Lisbon, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft.

**19-111. RECKLESS OPERATION OF AIRCRAFT.** No person shall operate an aircraft in the air, or on the ground, in the City of Lisbon 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

**19-201. ONLY LICENSED AIRCRAFT AND PILOTS TO USE.** Only aircraft and air pilots duly licensed by the State of North Dakota or the Secretary of Commerce of the United States shall be permitted to use the Municipal Airport of the City of Lisbon; 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.

**19-202. 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.

**19-203. 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 or 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 Lisbon.

**19-204. ORDINANCES OF CITY TO APPLY.** The ordinances of the City of Lisbon, so far as applicable, are hereby extended to and shall apply to the Municipal Airport, and to the entire area thereof.

**19-205. 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 30 years.

**19-206. 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 Ransom County, North Dakota.

**19-207. 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; but in no event shall the fees for a single hangar space be less than \$10.00 per annum.

**19-208. REVENUE, DISPOSITION OF.** All revenue from the operation of the Municipal Airport shall be credited to the Airport Fund and used for maintenance and operation of the airport only.