

## **BYLAW NO. 3-2015**

### **A BYLAW OF STRATHCONA COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING THE OPERATION OF THE WARREN THOMAS (JOSEPHBURG) AERODROME**

WHEREAS the Municipal Government Act, RSA 2000, c. M-26 provides that a Council may pass bylaws regarding transport and transportation systems;

NOW THEREFORE, the Municipal Council of Strathcona County, duly assembled, hereby enacts as follows:

#### **SECTION 1 – SHORT TITLE**

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

#### **SECTION 2 - DEFINITIONS**

- 2.1 "Aerodrome Apron" means that portion of the Aerodrome indicated on Schedule "A" to this Bylaw.
- 2.2 "Aerodrome Manager" means the Manager of the Warren Thomas (Josephburg) Aerodrome as appointed and includes a person appointed to carry out the duties of the Aerodrome Manager during the absence of the Aerodrome Manager.
- 2.3 "Aircraft" means an airplane or helicopter or more specifically described as any machine capable of deriving support in the atmosphere from reaction of the air, but does not include any other machine designed to derive support in the atmosphere from reactions against the earth's surface of air expelled from the machine which includes a rocket.
- 2.4 "Chief Commissioner" means the Chief Commissioner of Strathcona County as appointed by the Council or whatever subsequent title may be conferred on that officer by Council or statute.
- 2.5 "Council" means the Council of Strathcona County.
- 2.6 "County" means Strathcona County.
- 2.7 "Occupant" means any lessee or user of the Aerodrome.
- 2.8 "Owner" means any person or body corporate entitled to any estate or interest registered or otherwise in an Aircraft.
- 2.9 "Operator" includes the owner of an Aircraft, and/or any person operating an Aircraft, vehicle or any equipment at the Aerodrome and person responsible for the operation and safety of the Aircraft, vehicle or equipment.

- 2.10 "Park" means the standing of any means of transportation, whether occupied or not, including Aircraft and all other types of vehicles of any kind whatsoever.
- 2.11 "Peace Officer" means a Peace Officer appointed by the County to do any act, perform any duty, and enforce any provision outlined to any County Bylaw, and includes a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer.
- 2.12 "Unit Toll Aircraft" means an Aircraft which charges a price per occupied seat on the Aircraft.
- 2.13 "Warren Thomas (Josephburg) Aerodrome" means an aerodrome and the surrounding land presently owned by Strathcona County which is generally located at Josephburg, Alberta and legally described as:

NORTH WEST QUARTER OF SECTION FIVE (5)  
TOWNSHIP FIFTY FIVE (55)  
RANGE TWENTY ONE (21)  
WEST OF THE FOURTH MERIDIAN  
CONTAINING ONE HUNDRED AND SIXTY (160) ACRES, MORE OR LESS

and

PARCEL (A), CONTAINING ONE HUNDRED AND EIGHTEEN (118) ACRES MORE OR LESS ON FILED PLAN 1204 M.C. (N.E. 5-55-21-W.4<sup>TH</sup>)  
EXCEPTING THEREOUT:-----FOUR AND EIGHTY ON HUNDREDTHS (4.81) ACRES MORE OR LESS WHICH LIES NORTH AND EAST OF THE FOLLOWING DESCRIBED LINES – COMMENCING AT A POINT ON THE EAST BOUNDARY OF THE SAID QUARTER SECTION FOUR HUNDRED AND FOURTY ONE (441) FEET SOUTH OF THE NORTH EAST CORNER THEREOF; THENCE WESTERLY AND PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION FIVE HUNDRED AND NINETY THREE (593) FEET; THENCE NORTHERLY AND PARALLEL TO THE EAST BOUNDARY OF THE SAID QUARTER SECTION TO THE SAID NORTH BOUNDARY.

and any buildings, fixtures, structures, equipment, supplies, materials, or other items of property located on such land.

### **SECTION 3 – USE OF AERODROME PREMISES**

- 3.1 No person shall, without written permission from the Airport Manager or the County, do any advertising or soliciting of any nature or kind whatsoever upon or at the Aerodrome.
- 3.2 Aerodrome Occupants shall:

- 3.2.1 not suffer any waste or damage to the Aerodrome or use of permit to be used any part of the Aerodrome for any dangerous, noxious or offensive trade or business; nor cause or maintain any nuisance or do or maintain anything which shall be a disturbance to other users of the Aerodrome;
  - 3.2.2 not permit the Aerodrome to become untidy, unsightly or hazardous or permit rubbish to accumulate thereon. Should such conditions occur and the Occupant fail to respond to instructions from the Aerodrome Manager to remove, clean up or restore the lands or premises, the Aerodrome Manager may undertake the clean-up and/or removal and assign all costs incurred in clean-up and/or removal to the Occupant.
- 3.3 The County reserves the right to terminate use of the Aerodrome for any of the following reasons:
  - 3.3.1 non-payment of any rate, rent or charge when due;
  - 3.3.2 insolvency;
  - 3.3.3 use of Aerodrome facilities contrary to this Bylaw;
  - 3.3.4 use, contrary to Transport Canada requirements.
- 3.4 All Occupants shall comply with the requirements of this Bylaw and all operating procedures, agreements, rules and regulations whether established by a municipal, provincial or federal government relating to the operation of the Aerodrome. All Occupants are required to familiarize themselves with this Bylaw as well as all operating procedures, agreements and regulations associated with the Aerodrome before use and occupation of the Aerodrome.
- 3.5 No person shall:
  - 3.5.1 store recreational vehicles, debris or waste of any type or description at the Aerodrome;
  - 3.5.2 leave or allow a vehicle or Aircraft to leave deposits of rocks, stone, mud or other debris in any paved area at the Aerodrome;
  - 3.5.3 place or leave any offensive matter or any trash or waste material at the Aerodrome except in refuse containers that may be provided for that purpose.

- 3.6 All persons using the Aerodrome shall pay at the rates set out in the County's Fees, Rates and Charges Bylaw 23-2014 as amended or replaced from time to time.
- 3.7 Any Aircraft Owner and/or Operator arriving at the Aerodrome and wishing to base their Aircraft and/or to operate from the Aerodrome shall report to the Aerodrome Manager to arrange for any services they may require.
- 3.8 Any Aircraft Owner and/or Operator arriving or taking off in an Aircraft from the Aerodrome must use the NOTAM system.

#### **SECTION 4 – AERONAUTICAL USE OF AERODROME**

- 4.1 Use of the Warren Thomas (Josephburg) Aerodrome for general aviation purposes shall be restricted to the following Aircraft; unless approved in writing by the Airport Manager:
  - 4.1.1 private Aircraft
  - 4.1.2 commercial Aircraft
  - 4.1.3 air ambulances
  - 4.1.4 rotary wing Aircraft
  - 4.1.5 Government or military Aircraft
  - 4.1.6 Aircraft with a passenger configuration of less than 20 seats.
- 4.2 No person shall conduct or offer:
  - 4.2.1 ultra-light Aircraft landings and take-offs;
  - 4.2.2 balloon landings and take-offs;
  - 4.2.3 banner towing;
  - 4.2.4 formation take-offs and landings,
  - 4.2.5 air show aerobatics and fly pasts,
  - 4.2.6 scheduled air passenger service
  - 4.2.7 unit toll charter services

from the Aerodrome without the express written consent of the Aerodrome Manager.
- 4.3 No person shall park or store any Aircraft, Aircraft parts or equipment:
  - 4.3.1 on the Aerodrome Apron for longer than Twenty Four (24) hours;
  - 4.3.2 at the Aerodrome, other than leased areas of the Aerodrome, for periods in excess of twenty four (24) hours without registering;

- 4.3.3 in such a position that it obstructs the maneuvering of other Aircraft, Aircraft parts, vehicles or trailers at the Aerodrome;
- 4.3.4 in any leased area of the Aerodrome without permission of the lessee;
- 4.3.5 in a position that obstructs normal access to leased areas;
- 4.3.6 in areas posted with notices requiring prior permission, until that permission has been obtained from the Aerodrome Manager.
- 4.4 It is the responsibility of the Aircraft Owner or Operator to ensure that all Aircraft parked or stored at the Aerodrome are properly secured regardless of whether or not the devices used to secure the Aircraft were supplied by the County.
- 4.5 The Aerodrome Manager may move or cause to be moved a vehicle, trailer, Aircraft, parts or equipment at the Aerodrome if the vehicle, trailer, Aircraft, parts or equipment is interfering in any manner with the use or operation of the Aerodrome and the County shall not be liable for any damage caused to such vehicle, trailer, Aircraft, parts or equipment by reason of it being so removed.
- 4.6 In the event a vehicle, trailer, Aircraft, parts or equipment is removed by the Aerodrome Manager under Section 4.5 the Owner or Operator of such vehicle, trailer, Aircraft, parts or equipment in addition to the penalty specified in Schedule "B" attached to and forming part of this Bylaw, shall be liable for all costs incurred in relation to such movement, and such costs shall be paid to the County prior to the release of the vehicle, trailer, Aircraft, parts or equipment.
- 4.7 No person shall:
  - 4.7.1 taxi an Aircraft at an unsafe or unreasonable rate of speed;
  - 4.7.2 taxi an Aircraft into or out of a hanger;
  - 4.7.3 operate an Aircraft engine in a hanger;
  - 4.7.4 operate or park an Aircraft negligently or recklessly or in any other manner that endangers or is likely to endanger life or property.

## **SECTION 5 – GENERAL SAFETY RULES**

- 5.1 No person shall smoke or operate a spark or flame producing device or appliance on the Aerodrome apron.
- 5.2 Users of the Aerodrome shall comply with the Alberta Fire Code and appropriate federal, provincial and municipal laws and regulations pertaining to all matters of fire safety and fire prevention.

## **SECTION 6 - FUELLING**

- 6.1 No Aircraft shall be refueled or defueled while inside a hangar.
- 6.2 During fuelling or defueling, the Aircraft engine or engines shall be stopped and the switches placed in an "engine inoperable" position.
- 6.3 The fuelling equipment and the Aircraft shall be grounded during fuelling operations.
- 6.4 In accordance with the Alberta Fire Code approved types of operations fire extinguishers shall be within easy reach of those in charge of refueling.
- 6.5 Fuelling equipment shall be well maintained and shall be of a type which can be safely operated at an Aerodrome.
- 6.6 All airside fuel spillage must be immediately reported to the Emergency Services Department and to the Aerodrome Manager. In addition to the penalty specified by this Bylaw, the refueling agent and/or the Aircraft owner will be assessed the clean-up costs of the fuel spillage.
- 6.7 No flammable gases or liquids, including those used in conjunction with the process of doping shall be used or stored in any hangar on the Aerodrome unless authorized by the Aerodrome Manager. Storage of such liquids shall be in compliance with regulations of the Emergency Services Department and the appropriate Provincial Authorities.
- 6.8 All handling storage of fuel at the Aerodrome not covered above shall be in accordance with the CSA Standard B836-05
- 6.9 Aviation fuel drums are not allowed for the refueling of Aircraft at the airport unless approved by the Aerodrome Manager.

## **SECTION 7 – VEHICLE OPERATION**

- 7.1 Vehicles are prohibited on runways, taxiways, ramps or Aircraft parking and maneuvering areas unless for authorization from the Aerodrome Manager has been received.
- 7.2 Vehicles authorized to operate in restricted and/or Aircraft maneuvering areas must do so at a slow speed with due regard for Aircraft, persons and property. Operators of such vehicles will be held responsible for any accident, damage or injury caused by their vehicle.
- 7.3 all vehicles that are authorized to operate on the runway, taxiway or apron of the Aerodrome shall have a strobe light and a radio for communication with air traffic and other ground maintenance crews.

When vehicles are authorized into restricted areas, they shall not under any circumstances, be left parked, unattended. No vehicle may be parked so as to block a gate, entrance, roadway or in any Aircraft maneuvering area.

- 7.4 The Aerodrome Operator shall tow or otherwise move vehicles improperly parked on the Aerodrome in violation of these regulations.

## **SECTION 8 – PENALTIES**

- 8.1 Any person who contravenes any provisions of this Bylaw is guilty of an offence and is liable to penalty as set out in Schedule "B" herein.
- 8.2 Under no circumstances shall any person contravening any provision of this Bylaw be subject to the penalty of imprisonment.

## **SECTION 9 - VIOLATION TAGS**

- 9.1 A County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person who the County Bylaw Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 9.2 A Violation Tag may be issued to such person:
- 9.2.1 either personally, or
  - 9.2.2 by mailing a copy to such person at his last known post office address.
- 9.3 The Violation Tag shall be in a form approved by the Chief Commissioner and shall state:
- 9.3.1 the name of the person;
  - 9.3.2 the offence;
  - 9.3.3 the appropriate penalty for the offence as set out in this Bylaw;
  - 9.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
  - 9.3.5 any other information as may be required by the Chief Commissioner.
- 9.4 Where a contravention of this Bylaw is of a continuing nature, the County Bylaw Enforcement Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

- 9.5 Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 9.6 Nothing in this Bylaw shall prevent a County Bylaw Enforcement Officer from immediately issuing a Violation Ticket for the mandatory Court appearance of any person who contravenes any provision of this Bylaw.

#### **SECTION 10 - VIOLATION TICKET**

- 10.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period then a County Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34.
- 10.2 Notwithstanding Section 9.1 of this Bylaw, a County Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, RSA 2000, c. P-34, as amended, to any person who the County Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

#### **SECTION 11 - SEVERABILITY PROVISION**

- 11.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.



**SECTION 12 – REPEAL & EFFECTIVE DATE**

12.1 This Bylaw hereby repeals Bylaw 38-2003.

12.2 This Bylaw shall come into force and effect on the date of final reading thereof.

Read a first time this 24th day of March, 2015.

Read a second time this 24th day of March, 2015.

Read a third time this 24th day of March, 2015 and finally passed.

Roxanne Carr

Mayor

Jacqueline Roblin

A/Director, Legislative & Legal Services

April 2, 2015

Date Signed

**SCHEDULE "A"**  
**AERODROME APRON**



 Apron

## SCHEDULE "B"

### PENALTIES SCHEDULE

<b>SECTION NO.</b>	<b>MINIMUM PENALTY</b>	<b>MAXIMUM PENALTY</b>
3.1 – advertising without permission	\$100.00	\$1,000.00
3.2.1 – damage to Aerodrome	\$100.00 & clean up charges	\$1,000.00 & clean up charges
3.2.2 – permitting Aerodrome to be untidy etc.	\$100.00 & clean up charges	\$1,000.00 & clean up charges
3.5.1 – debris or waste at Aerodrome	\$100.00	\$1,000.00
4.3, 4.4 and 4.6 – parking or storage of Aircraft, parts, equipment	\$150.00 & towing charges	\$1,500.00 & towing charges
5.1 – operating a spark or flame producing device or appliance	\$250.00	\$2,000.00
6.1 to 6.5 & 6.7 to 6.9 – refueling	\$250.00	\$2,000.00
6.6 – fuel spillage	\$250.00 & clean up charges	\$2,000.00 & clean up charges