

## CITY OF PRINCE ALBERT BYLAW NO. 11 OF 1996

*A Bylaw of The City of Prince Albert to provide for the administration of the Prince Albert Municipal Airport and to authorize execution of Transfer Agreements with Her Majesty the Queen.*

WHEREAS pursuant to The Urban Municipality Act, 1984, Council may enact a Bylaw to provide for the operation of an airport, its construction, improvement and extension, and for the regulation of municipal land and buildings;

AND WHEREAS Her Majesty the Queen in Right of Canada wishes to transfer to the City of Prince Albert Her interest in the Prince Albert Municipal Airport upon certain terms and conditions;

AND WHEREAS it is deemed expedient to pass a Bylaw to provide for acquisition of the property interests of Her Majesty in the Prince Albert Municipal Airport and to provide for its operation;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Airport Bylaw."
2. In this Bylaw:
  - (a) "air navigation facilities" means navigation, weather, communication and surveillance equipment, electronic landing aids and other equipment and associated antennae, cables, circuits, cable ducting and tele-communications systems used for the safe landing or take-off of aircraft all of which are located at the Airport;
  - (b) "Airport" means the Prince Albert Municipal Airport as described in the document annexed hereto as Schedule "A" together with all those buildings and fixtures, visual aids and all appurtenances related to flight services thereon in which the City of Prince Albert has ownership;
  - (c) "Airport Transfer Agreements" means those Agreements listed in Section 15 of this Bylaw;
  - (d) "Bylaw 19 of 1961" means Bylaw 19 of 1961 of the City of Prince Albert regarding the shooting of guns or such Bylaw or Bylaws as may be substituted therefor from time to time;

- (e) "*Chief of Police*" means the person appointed as the Chief of Police of the City and anyone acting or authorized by the Chief of Police or the Prince Albert Board of Police Commissioners to act on behalf of the Chief of Police;
- (f) "*City*" means the City of Prince Albert;
- (g) "*City Engineer*" means the City Engineer for the City and anyone acting or authorized by Council, City Commissioner or City Engineer to act on behalf of the City Engineer;
- (h) "*Council*" means the Council of the City of Prince Albert;
- (i) "*custom work order policy*" means the valuation of work performed by City forces or on behalf of the City that is calculated by the City Engineer to constitute the standard charge for all work of a similar nature, and the said value shall be deemed to reflect the actual cost to the City of labour, equipment, material used, the addition to the said value of all applicable taxes and an administration fee equal to 15 percent of the value of the cost; the invoicing for the values calculated as aforesaid, crediting any deposit which the City Engineer may have required to be paid prior to the undertaking of the work and the obligation of the person making the deposit or signing the City Engineer's form of Custom Work Order to pay any balance owing. For the calculation of the cost of services provided by the Fire Department, this definition shall apply excepting references to City Engineer shall be replaced with references to Fire Chief;
- (j) "*Fire Chief*" means the person appointed as the Fire Chief of the City and anyone acting or authorized by the City Commissioner or Fire Chief to act on behalf of the Fire Chief;
- (k) "*Fire Department*" means the equipment, vehicles and fire-fighting personnel of the City used to respond to requests for fire fighting, fire prevention and emergency services within the City by the Fire Control Centre;
- (l) "*Noise Bylaw*" means the Noise Bylaw of the City of Prince Albert, being Bylaw 83 of 1981 as amended, or such Bylaw or Bylaws as may be substituted therefor from time to time.
- (m) "*Prince Albert Board of Police Commissioners*" means the Board established pursuant to Bylaw 3 of 1992 or such Bylaw or Bylaws as may be substituted therefor from time to time;
- (n) "*regulatory authority*" means the Minister of Transport of Canada, the Aeronautics Act, R.S.C. 1985, c. A-2 and Regulations made thereunder, all other laws, orders, decisions, rules and regulations now or hereafter in force including, without limiting the generality of the foregoing, those in respect of the management, operation, maintenance, standards of safety or security applicable to the Airport and the conditions of the Aerodrome Registration of the Airport from time to time in effect; and
- (o) "*visual aids*" means visual approach aids, approach, runway, taxiway and airside lights, airside signs and other similar physical instruments for the safe and efficient operation and control of aircraft and any equipment and special electrical distribution cables required to bring electrical power to operate same and obstruction lighting required for the safe manoeuvring of aircraft at and in the vicinity of the Airport.

3. The Airport is hereby designated as the Prince Albert Municipal Airport.

4. The administration of this Bylaw and all matters arising therefrom shall be undertaken by the Engineering Department under the direction of the City Engineer.

5. Within the resources allocated by Council for the Airport and its operations, within the requirements of the regulatory authority and within the obligations assumed by the City under the Airport Transfer Agreements, Council may adopt policies to establish and determine any standards and procedures for the Airport, its operations or any part thereof including, without limiting the generality of the foregoing, the type, number (if any) and maintenance standards for visual aids, and other appurtenances of the City related to flight services, the maintenance and inspection procedures for runways, taxiways, apron, manoeuvring area for aircraft, landing strips, warning procedures in respect of observed defects and the schedules and procedures for the removal of snow and other obstructions from the Airport.

6. (1) The City Engineer shall be responsible for the management, administration and supervision of the Airport operations including leasehold interests in the Airport property.

(2) The City Engineer shall ensure the Airport is operated in compliance with the requirements of the regulatory authority, the terms and conditions of the Aerodrome Registration and pursuant to the obligations of the Airport Transfer Agreements.

(3) Subject to Subsection (2), the City Engineer shall ensure that the Airport is maintained and improved to the standard permitted by the resources granted by Council from time to time for the purpose of the Airport. Subject to compliance with the policies approved by Council, the allocation of the said resources shall be in the discretion of the City Engineer.

7. The City Engineer:

- (a) shall determine the staffing level of the Airport from time to time and, subject to all lawful restrictions, designate the hours of work which may vary on a seasonal or other basis as he, in his sole discretion, may determine based on the resources available;
- (b) shall designate hours of operation of the Airport;
- (c) may adopt policies for standards and procedures for the Airport, its operations or any part thereof as he may deem fit including all the authorities of Council referred to in Section 5, provided that in the event of conflict with the policies developed by Council, Council's policy shall apply;
- (d) subject to the requirements of the regulatory authority, may authorize such signage that he may deem necessary for the proper operation of the Airport and to carry out the provisions of this Bylaw to be erected, removed or altered;
- (e) may limit conduct of any person within the Airport such as he may deem necessary to protect the Airport, the safety of persons or the use or enjoyment of property thereat;

- (f) may evict or deny the right to gain entry to the Airport a person referred to in Subsection (e) of this section or Section 12.(1)(a) or 12.(1)(b), whether or not a charge shall have been initiated or conviction obtained against such person;
  - (g) may designate persons to act in his stead with regard to the exercise of his authority over the Airport, its operations or any part thereof;
  - (h) may, in his discretion, but shall not be obligated to, take such actions and give such instructions to the City Solicitor or otherwise as he deems appropriate for the purpose of enforcement of Prince Albert Airport Zoning Regulations (SOR/87-705) enacted pursuant to the Aeronautics Act of Canada and all other laws applying or pertaining to the Airport; and
  - (i) may, but shall not be obligated to, close all or any portion of the Airport if, in his sole discretion, he deems it necessary for the purpose of public safety including, and not to limit the generality of the foregoing, by reason of strikes, weather conditions, circumstances beyond the control of the City, the safe execution of public works, repairs or improvements to the Airport, or any other work authorized by Council or carried out by or through the regulatory authority or an agency authorized by the regulatory authority.
8. (1) Subject to the requirements of the regulatory authority with respect to standards of safety and security, emergency response and crash rescue services to the Airport shall consist of those fire prevention, fire suppression, crash rescue and other emergency response services within the capabilities of the Fire Department to the extent determined from time to time by the Fire Chief and may be provided from the Fire Control Centre. The services to the Airport established by the Fire Chief shall be under and subject to his exclusive control, direction and general supervision.
- (2) Notwithstanding the nature of response designated in any policy of the Fire Chief, the response for any specific emergency may be provided in such manner and to such extent as the Fire Chief, in his sole discretion, may determine appropriate or advisable, taking into account any condition or limitation affecting resources available at the time of the emergency. The emergency response service may be limited, temporarily suspended or temporarily withdrawn by the Fire Chief when, and to the extent that, in his sole discretion and judgment, circumstances beyond his reasonable control and his responsibilities require him to do so.
- (3) The availability of water from fire hydrants at the Airport shall be only to the extent as is available from the public utilities in the condition that they and the fire hydrants may be in at the time of any emergency. Inspection and maintenance of fire hydrants at the Airport shall be in accordance with any schedules and specifications established by the Fire Chief.

9. Security services at the Airport shall consist of those crowd control, crime prevention and crime control services established by the Prince Albert Board of Police Commissioners and the Chief of Police from time to time.

10. If, pursuant to Section 8(2), services are to be limited, temporarily suspended or withdrawn, whenever reasonably possible, the Fire Chief shall give notice of same to the City Engineer, and he shall give such notice as he, in his sole discretion, deems appropriate to the users of the Airport.

11. Unless otherwise expressly resolved by Council, but within the requirements of the regulatory authority and the obligations assumed by the City under the Airport Transfer Agreements, services to prevent collisions between aircraft and between aircraft and obstructions at the Airport, expediting and maintaining an orderly flow of air traffic, advisory services for aviation safety including air navigation facilities, visual aids and approach aids, flight information and aviation weather services for the purposes of ensuring the safe movement of aircraft, disseminating information, alerting search and rescue and coordinating flight planning at the Airport shall be only those services delivered by or through the regulatory authority or other agency authorized by the regularly authority at no expense to the City.

12. At the Airport, any person who:

- (a) obstructs or attempts to obstruct any person lawfully using or attempting to use the Airport;
- (b) engages in any conduct which impedes, obstructs or interferes with other persons lawfully using the Airport;
- (c) engages in any conduct which impedes, obstructs or interferes with any electronic signal, air navigation facilities, visual aids or any of them;
- (d) places or constructs any building, improvement or substance upon, at or under the Airport without the prior consent of the City Engineer;
- (e) tampers with a sign authorized to be erected by the City Engineer or authorized pursuant to a Bylaw of the City or other law;
- (f) except as authorized by the City Engineer or Council, sells, offers for sale or receives orders for any food, beverage or other chattel or any services; or
- (g) releases any bird, disposes of any waste that is edible by or attractive to birds or permits an animal to graze or to be at large;

is guilty of an offence punishable on summary conviction.

13. (1) Fuel concession fees, aircraft parking fees, rates for use of the Terminal Building parking lot for motor vehicles, aircraft landing fees, air passenger usage fees and other service charges related to the Airport and flight services payable to the City shall be in the amount established by written agreement between the user and the City which is either in effect at the date of passage of this Bylaw or entered into hereafter.

(2) For services referred to in Subsection 13.(1) or services related to the Airport, flight services or other operations related to the Airport which are not provided under written agreement, service charges shall be as established by resolution of Council. Such service charges may be amended by Council resolution from time to time. Such service charges may vary with aircraft size, weight or other characteristics, with the season, or other classifications as Council may determine.

(3) In the absence of either a written agreement or resolution of Council establishing the service charges referred to in Subsections (1) and (2), upon request, the City Engineer may, but shall not be obligated to, provide a service related to the Airport, flight services or other operations related to the Airport, including maintenance services over and above those established pursuant to Section 7(a) or (c). In providing such service, he may use either City forces or contractors. Service charges shall be payable by the person requesting the services calculated pursuant to the custom work order policy.

(4) Upon request, the Fire Chief may, but shall not be obligated to, provide a service of the same nature but which is over and above that established pursuant to Section 8. Service charges therefor, or for stand-by by the Fire Department in anticipation of the need for such services, shall be payable by the owner of the aircraft in distress or such other person requesting the services, calculated pursuant to the custom work order policy.

(5) Upon request, subject to any necessary authorization from the Prince Albert Board of Police Commissioners, the Chief of Police may, but shall not be obligated to, provide a service of the same nature but which is over and above that established pursuant to Section 9. Service charges therefor shall be payable by the person requesting same pursuant to the service charge policy of the Prince Albert Board of Police Commissioners.

(6) Except as otherwise provided by written agreement, interest shall be charged on all overdue accounts at the rate of 1.5 percent per month, being 18 percent per annum, from a date commencing 60 days after the date of invoice or, where no invoice is submitted, the date that the payment was due. Notwithstanding the foregoing, Council may from time to time amend the said interest rate charges by resolution.

14. (1) A person authorized and acting under the instructions of the City Engineer to carry out duties of eradicating birds or animals at the Airport, who, in the course of carrying out that work reasonably, is in breach of a provision of the Noise Bylaw or Bylaw 19 of 1961, shall not be guilty of any offence under those said Bylaws.

(2) The Noise Bylaw shall not apply to sounds caused by or arising from any airplane or other machine engaged in activities which are otherwise lawful and authorized by the City Engineer to be undertaken at the Airport.

15. The Agreements listed below shall be entered into with Her Majesty the Queen in Right of Canada and delivered. His Worship the Mayor and City Clerk are hereby authorized to execute the said Agreements on behalf of the City of Prince Albert:


- (a) Agreement to Transfer
- (b) Option to Purchase
- (c) Operating Agreement
- (d) Contribution Agreement
- (e) Assignment, Assumption and Indemnity Agreement
- (f) Bill of Sale
- (g) Form of Lease for Land
- (h) Aviation Services & Facilities Agreement
- (i) Airport Records Agreement


16. Any person in violation of a provision of this Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding:

- (a) \$2,000.00 in the case of an individual; or
- (b) \$5,000.00 in the case of a corporation.

17. This Bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 18th DAY OF March ,  
A.D. 1996.  
READ A SECOND TIME THIS 18th DAY OF March ,  
A.D. 1996.  
READ A THIRD TIME AND PASSED THIS 18th DAY OF March ,  
A.D. 1996 .

  
MAYOR

  
ACTING CITY CLERK