

ORDINANCE NO. **BG2009 - 34**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 3 (AIRPORT REGULATIONS) OF THE CITY OF BOWLING GREEN CODE OF ORDINANCES TO MAKE REVISIONS REQUESTED BY THE BOWLING GREEN-WARREN COUNTY REGIONAL AIRPORT BOARD

WHEREAS, the Code of Ordinances, Chapter 3 (Airport Regulations), has not been updated since 2002; and,

WHEREAS, the Bowling Green-Warren County Regional Airport Board has requested revisions to mirror language contained in KRS 183.132 regarding the membership of airport boards and establishment of a quorum; and,

WHEREAS, the Airport Board has further requested revisions to requirements for business to be conducted at the airport and the removal of outdated language regarding the 1974 adoption of the "Airport Master Plan and Off Airport Land Use Plan"; and,

WHEREAS, it is in the best interest of the City to accept the recommendations of the Airport Board.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 3 (Airport Regulations) is hereby amended as follows:

3-1 REGIONAL AIRPORT BOARD.

3-1.01 Created; General Powers, Duties.

There is established in conjunction with Warren County a Regional Airport Board to be known as "Bowling Green-Warren County Regional Airport Board." Such Board shall possess all the rights, powers, duties and obligations prescribed by law relating to such an Airport Board. It shall have full power and authority to manage and control the airport, make such rules and regulations concerning the use of same and charges to be made therefore as it deems necessary.

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3-1.02 Membership; Appointment; Quorum.

a. The Regional Airport Board shall consist of ten (10) members who shall be appointed jointly by the Mayor and the County Judge. Five (5) members shall be appointed by the Mayor and five (5) members shall be appointed by the Warren County Judge Executive. These appointments due not require approval by the Board of Commissioners or Warren County Fiscal Court.

b. A minimum of six (6) members constitutes a quorum of the Regional Airport Board.

3-1.03 Term.

Members of the Regional Airport Board shall serve for a term of four (4) years each.

3-1.04 Purpose, Additional Duties and Powers; Rules and Regulations, Publication;

Enforcement.

a. The purpose of the Regional Airport Board shall be to establish, maintain, operate and ~~expend~~ expand necessary, desirable or appropriate airport and air navigation facilities. It shall have the duty and such powers as may be necessary, or desirable to promote and develop aviation, including air transportation, airports and air navigation facilities.

b. The Board shall establish and fix reasonable rates, charges and fees for the use of the landing area, ramps and other common aviation facilities. In fixing such rates, charges or fees, the Board may take into consideration, among other factors, the total capital investment by the Board or other local or State governmental authority, the revenue needed to properly maintain such facilities, the revenue needed to properly expand the airport and its facilities, the portion of the facilities utilized by the licensee or contracting party and its customers, and the volume and type of business conducted. Any party aggrieved by the rates, charges or fees may appeal from the action of the Board to the Circuit Court of the County within ninety (90) days from the date that the Board finally publishes such rates, charges or fees and gives notice of same to the contracting party or licensee. The Circuit Court may hear evidence and determine whether or not the rates, charges or fees are, or are not, reasonable in

amount. Appeal from the judgment of the Circuit Court may be prosecuted as any other civil appeal.

c. The Board shall likewise have power to fix rates, charges or fees by contract, or by publishing general rates, charges or fees for commercial vendors, concessionaires or other persons for the use or occupancy of terminal or other ground use facilities, under such terms or conditions as it may deem to be in the best interest of maintaining, operating or expanding necessary airport and air navigation facilities, and the public use thereof.

d. The Board or any other governmental unit may acquire by contract, lease, purchase, gift, condemnation or otherwise any real or personal property, or rights therein necessary for establishing, operating or expanding airports and air navigation facilities. The Board may erect, equip, operate and maintain on such property, buildings and equipment necessary, desirable or appropriate for airport or air navigation facilities. The Board may dispose of any real or personal property, or rights therein, which in the opinion of the Board are no longer needed for operating or expanding the airport or air navigation facilities.

e. The Board or any other governmental unit may by resolution reciting that the property is needed for airport or air navigation purposes direct the condemnation of any property, including navigation or other easements. The procedure for condemnations shall conform to KRS 183.133(5) and the Eminent Domain Act of Kentucky (KRS 416.50 et seq.).

f. The Board may make, adopt and enforce such rules, regulations and ordinances as it may find necessary, desirable or appropriate for carrying into effect the purposes of this chapter, including those relating to the operation and control of the airport, airport facilities or air navigation facilities owned or operated by such Board or such other governmental unit. All rules, regulations and ordinances adopted pursuant to this Section shall be published according to the provisions of KRS 424.130, and the Board or other governmental unit adopting them shall keep a permanent record of such rules, regulations and ordinances available for public inspection on the airport premises.

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Prosecution for a violation of any rule, regulation or ordinance adopted pursuant to this Section shall be in the District Court.

3-2 BUSINESSSES CONDUCTED AT AIRPORT.

3-2.01 Contract Required.

No business or commercial activity shall be conducted at the Bowling Green-Warren County Regional Airport except by written agreement with, or pursuant to a license issued by unless by virtue of a contract executed with the Bowling Green-Warren County Regional Airport Board. Agreement and/or license requirements include, without limitation, insurance naming the Airport as additional insured, and compliance with rules and regulations promulgated by the Airport.

3-2.02 Occupational License Required for Concessions.

No business shall be conducted at the airport unless the person conducting such business shall pay to the City a license fee for the operation of such business pursuant to the provisions of Chapter 18 XVIII of the City's Code of Ordinances.

3-3 PROHIBITION OF HUNTING AND DISCHARGE OF FIREARMS ON AIRPORT PROPERTY.

a. No person shall hunt or engage in the act of hunting any wildlife of any kind upon any real estate owned or occupied by the Bowling Green-Warren County Regional Airport Board and/or the Bowling Green-Warren County Regional Airport.

b. No person shall discharge any firearm of any sort upon any property owned by or used by the Bowling Green-Warren County Regional Airport Board and/or the Bowling Green-Warren County Regional Airport; provided, however, an official authorized to do so in the course and scope of his employment is excepted from this prohibition.

~~3-4 AIRPORT MASTER PLAN AND OFF AIRPORT LAND USE PLAN.~~

~~The "Bowling Green-Warren County Airport Master Plan Update and Off Airport Land~~

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~~Use Plan" is hereby adopted in full as presented to the City County Planning Commission of Warren County on October 4, 1979.~~

3-45 AGRICULTURAL SPRAYING BY FIXED-WING AIRCRAFT PROHIBITED.

No person, whether a landowner, contractor or pilot, shall use or cause to be used a fixed-wing aircraft to conduct agricultural spraying within the corporate limits of the City of Bowling Green.

3-56 TRESPASSING ON AIRPORT PROPERTY PROHIBITED.

Unless specifically permitted to do so by the Bowling Green-Warren County Regional Airport Board, no person shall enter upon any real estate owned by the Bowling Green-Warren County Regional Airport Board, except through designated entrances and as authorized by the Bowling Green-Warren County Regional Airport Board. Any person convicted of violating this Section shall be guilty of a misdemeanor and shall for each offense be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or imprisoned not to exceed six (6) months, or both. Each trespass shall constitute a separate offense.

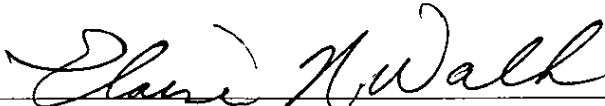
2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

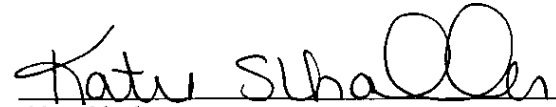
3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on November 17, 2009, and given final reading on December 1, 2009, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: December 1, 2009

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 11/09/2009, 3:30 p.m.