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Title: ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF THE DULUTH CITY CODE TO MODERNIZE LANGUAGE, UPDATE SMOKING RESTRICTIONS, AND TO INCLUDE THE DULUTH AIRPORT AUTHORITY IN THE INDEMNITY SECTION.

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ORDINANCE AMENDING CHAPTER 4, ARTICLE II OF THE DULUTH CITY CODE TO MODERNIZE LANGUAGE, UPDATE SMOKING RESTRICTIONS, AND TO INCLUDE THE DULUTH AIRPORT AUTHORITY IN THE INDEMNITY SECTION.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Chapter 4, Article II, Section 4-12, of the Duluth City Code be amended as follows:

Sec. 4-12. Applicability of article.

The provisions of this Article shall govern all ~~persons operating airplanes~~ operations upon, on or over property used or designated for airport purposes by either the city or Duluth airport authority. ~~which is owned or controlled by the Duluth airport authority or the city and shall govern all other persons present on or about such property, except where any individual Section thereof is, by its own terms, limited in application.~~

Section 2. That Chapter 4, Article II, Section 4-14, of the Duluth City Code be amended as follows:

Sec. 4-14. Operation of aircraft while under influence, etc., of alcohol or drugs.

(a) No person shall operate or have ~~actual~~ physical control of any aircraft while under the influence of ~~an alcoholic beverage, narcotic drug or controlled substance;~~

(b) No person shall ~~have in his possession~~ while in the cockpit of any aircraft any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed.

Section 3. That Chapter 4, Article II, Section 4-19, of the Duluth City Code be amended as follows:

Sec. 4-19. Smoking in hangar or on apron on airport premises prohibited.

No person shall smoke, including use of electronic cigarettes, inside any airport facilities. No person shall smoke, including the use of electronic cigarettes, outside on any airport property except if approved by airport rules and standards, in the hangar or on the apron in front of the hangar.

Section 4. That Chapter 4, Article II, Section 4-20, of the Duluth City Code be amended as follows:

Sec. 4-20. Vehicles and pedestrians on runways, apron and hangar.

Vehicles or pedestrians shall not be allowed on the runways, hangar or apron at any time, without the authorization of the Duluth airport authority executive director or their designee, ~~airport manager~~.

Section 5. That Chapter 4, Article II, Section 4-20.1, of the Duluth City Code be amended as follows:

Sec. 4-20.1 Authority to designate restricted areas; posting of signs; entry.

(a) The Duluth airport authority executive director of the airport is and their designee are hereby authorized to designate any portion of the airport property and any building or other appurtenances thereon as a restricted area;

(b) The executive director shall cause signages to be posted reasonably calculated to inform the public of the existence and location of such restricted areas and to warn unauthorized persons not to enter such area;

(c) No person shall enter a restricted area in violation of posted signs without the express permission of the executive director or their designee.

Section 6. That Chapter 4, Article II, Section 4-22, of the Duluth City Code be amended as follows:

Sec. 4-22. Liability of city and Duluth airport authority.

The permission granted by the city and Duluth airport authority to use the airport and its facilities or to fly to, from or over the same shall be at all times conditioned upon the assumption of full responsibility therefor by every person exercising or taking advantage of such permission. It shall be a further condition thereof that each person, as a consideration for the use of such airport and its facilities, shall at all times release, hold harmless and indemnify the city and Duluth airport authority and ~~its~~ their agents and employees from any and all responsibility, liability, loss or damage resulting to any such person or caused by or on his their behalf and incident to the manner in which the airport is operated, constructed, maintained or served from within or used from without. The use of such airport by any person for any purpose or the paying of any fees therefor or the taking-off or landing of aircraft thereupon shall be itself an acknowledgment that such person accepts such privileges on the conditions set forth in this Article.

Section 7. That Chapter 4, Article II, Section 4-23, of the Duluth City Code be amended as follows:

Sec. 4-23. Discharge of firearms and weapons; hunting.

~~Except with respect to members of the Armed Forces of the United States or to any law enforcement officer or airport employee while actually engaged in the performance of duty, no~~ No person shall discharge or attempt to discharge any firearm or other weapon; nor, shall any person hunt for game or birds, whether with firearms or ~~otherwise~~ any other type of weapon, without the express consent of the city and the Duluth airport authority executive director, or their designee

Section 8. That Chapter 4, Article II, Section 4-24, of the Duluth City Code be amended as follows:

Sec. 4-24. Radios on aircraft required.

No person shall operate any aircraft on the Duluth International Airport or Duluth Sky Harbor Airport, in such airport's' landing area or within such airport's' traffic pattern unless it is equipped with an operable radio

transmitter and receiver. ~~which is in contact with the airport control tower; except that in the event of inadvertent radio failure, standard light signals shall be observed.~~

Section 9. That Chapter 4, Article II, Section 4-25, of the Duluth City Code be amended as follows:

Sec. 4-25. Airport special police.

The city chief of police is hereby authorized to appoint Duluth airport authority employees or agents as airport special police who shall serve at no expense to the city. Such airport special police shall have the same powers of arrest as regular Duluth police officers during the times at which they are performing law enforcement duties at one or both of the Duluth airports. providing security protection at the airport, but shall have no special police power at any other time.

Section 10. That Chapter 4, Article II, Section 4-28, of the Duluth City Code be amended as follows:

Sec. 4-28. Operators of motor vehicles receiving passengers or property for hire.

No person shall operate a motor vehicle upon the premises of either the Duluth International Airport or Duluth Sky Harbor Airport for the purpose of receiving passengers or property for hire at that location without first receiving the express permission of the Duluth airport authority executive director, or their designee. ~~or the airport manager.~~

The term "motor vehicle" in the context of this Section shall include, but not be limited to taxis, limousines, hotel or other shuttle vans, and buses, rental cars, and ride sharing vehicles.

Section 11. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance amends Chapter 4, Article II, pursuant to recommendations of the Ordinance Review and Modernization Task Force.