

Winnie Madikizela-Mandela, South Africa

## Aerodromes By-law, 2009

Legislation as at 27 February 2009

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# Winnie Madikizela-Mandela South Africa

## Aerodromes By-law, 2009

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**Commenced on 27 February 2009**

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The Municipal Manager of the Municipality of Mbizana, in terms of section 13 of the Local Government; Municipal System Act, 2000 ([Act 32 of 2000](#)), read with section 162 of The [Constitution of the Republic of South Africa, 1996](#) ([Act 108 of 1996](#)), publishes the Mbizana Local Municipality: Milk By-laws, which have been approved by the Municipal Council.

### 1. Definitions

In these By-laws, unless inconsistent with the context-

"**aerodrome**" means the aerodrome known as the Mbizana aerodrome;

"**Air Navigation Regulations**" means the Air Navigation Regulations, 1963, 1963, published under Government Notice No. R. 1779 dated 15 november 1963, as amended;

"**authorized agent**" means the person, organization or undertaking who or which at a particular time has physical control over an aircraft, and acts on behalf of the owner or operator of an aircraft;

"**Caretaker**" means the person who at any time in the Council's service holds the office of Aerodrome Manager in charge of the aerodrome, and includes also any other person who is in a specific instance duly authorized to act on his behalf;

"**charges**" means the charges payable to the Council as determined from time to time by the Council by special resolution;

"**Municipality**" means Mbizana Local Municipality;

"**Municipal Council**" means Mbizana Municipal Council contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 ([Act No. 32 of 2000](#)), in terms of Section 157(1) of the [Constitution of the Republic of South Africa, 1996](#) (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

"**Director**" means the person who in the Municipality's service holds the office of Municipal Engineer, or who has been appointed or authorized by the Municipality to execute the duties of the said office, and includes officials in the Municipality Engineer's Department who, under the control of such person, exercise any function, duty or power in terms of these By-laws;

"**maintenance area**" means the area adjacent to the hangars and other buildings on the aerodrome, excluding the public enclosures;

"**manoeuvring area**" means the runways and marked taxiways for aircraft while proceeding to or from the runways;

"**operator**" means the person, organization or undertaking who or which at a particular time renders or offers to render aircraft services;

"**owner**" means the person, organization or undertaking who or which at a particular time is registered with the Civil Aviation Directorate as the owner of an aircraft;

"**public aircraft hangar**" means an aircraft hangar over which the Council has control and which is not as a whole let to a person, but in which there are parking spaces which are let to a person upon application;

"**public enclosures**" means the areas of the aerodrome site set aside and fenced by the Council for use by members of the public, and include the parking area for vehicles;

"**runway**" means a specific rectangular area prepared or constructed for the landing and take-off run of aircraft along its length:

"**taxiway**" means a specific path on the airport, marked in accordance with the directives of the Aviation Regulations and intended for a taxiing aircraft.

## 2. Powers of the caretaker

- (1) The Caretaker may-
  - (a) prohibit any person who fails to pay an amount in respect of any facility on the aerodrome of which he makes use after such charges have become payable, to make use of any facility of the aerodrome;
  - (b) should he for any reason deem it necessary at any time, for such period as he may determine, prohibit or limit the admission of people or vehicles, or both, to the aerodrome or to any particular area thereof;
  - (c) order any person who, in his view, acts in such a way as to cause a nuisance or detrimentally affect the good management of the aerodrome to leave the aerodrome and if such person refuses to obey his order, take steps to have such person removed;
  - (d) if he deems it essential for the proper control of the aerodrome, order a person lawfully in control of a vehicle or aircraft to move such vehicle or aircraft to some other place, indicated by him, or to remove it altogether from the aerodrome, and if such person refuses or fails to obey his order he may move such vehicle or aircraft, or have it moved, to an indicated place on the aerodrome or have it removed from the aerodrome, and recover the costs of such action from such person;
  - (e) in the case of a damaged or disabled aircraft, order the owner, operator or authorized agent to move such aircraft or any part thereof or any cargo or article in or on such aircraft, to a place on the aerodrome indicated by him, or to remove it altogether from the aerodrome, and if such person refuses or fails to obey his order, take the steps necessary to move such aircraft or part thereof or any cargo or article in or on such aircraft, to a safe place on the aerodrome or to remove it from the aerodrome, and to recover the costs of such steps from the owner, operator or authorized agent.
- (2) Neither the Municipality nor the Caretaker must be liable for any loss or damage, whether directly or indirectly, owing to or arising from any act which the Caretaker performed or caused to be performed in terms of subsection (1)(d) or (e).

## 3. Control of aircraft, pilots and passengers

- (1) The owner of a aircraft or his authorized agent must immediately on landing on the aerodrome, complete an arrival form in full at the information office in the terminal building and pay the landing charges laid down in terms of these By-laws
- (2) The pilot or any other person who is in control of an aircraft at a specific time, must take adequate precautions to keep other persons at a safe distance from the aircraft before the engines are started and while the engines are running.
- (3) No person must -
  - (a) park an aircraft on the aerodrome without securing it to the ground when the aircraft is left unattended;
  - (b) leave an aircraft unattended on the manoeuvring area;

- (c) start an aircraft engine unless there is a licensed pilot or competent engineer in the cockpit;
- (d) run an aircraft engine so that the air stream caused by such engine blows into or against a building or another aircraft or person;
- (e) leave a chock, loading step or any other object which causes an obstruction or hazard on the manoeuvring area or the maintenance area;
- (f) save with the express permission of the person lawfully in command of an aircraft, board such aircraft or tamper with such aircraft or anything used in connection therewith; and
- (g) do night flight training on the aerodrome, unless the permission in writing of the Director must have been obtained and the conditions laid down by the latter complied with.

#### **4. Measures for the prevention of fire and the supplying of fuel to aircraft**

- (1) No person must-
  - (a) smoke on the manoeuvring area, the maintenance area, at the fuel dump or within 15 metres of an aircraft;
  - (b) light a fire on the aerodrome or in any manner cause fire or smoke, except in a place indicated by the Caretaker and the fire officer on duty;
  - (c) interfere with or tamper with any fire hose, fire hydrant or any equipment provided for fire fighting;
  - (d) draw off fuel from an aircraft, unless it is done under the supervision of a fire officer of the Municipality or his or her nominee, or ignore an instruction given in this regard by such officer or his nominee;
  - (e) park a motor vehicle in an aircraft hangar;
  - (f) carry out repairs to or maintenance or servicing of an aircraft unless sufficient and serviceable fire-fighting equipment is at hand;
  - (g) supply fuel to any aircraft on the aerodrome except at a place and in a manner approved by the Caretaker:
  - (h) interfere with the fuel supply equipment on the aerodrome: or
    - (i) start the engine of an aircraft or allow it to run while such aircraft is being fuelled.
- (2) Any person in control of an aircraft while it is being fuelled must -
  - (a) take all reasonable precautions to ensure that fires are avoided; and
  - (b) supervise such aircraft and immediately after fuelling, remove it to another place on the aerodrome.

#### **5. Control of motor vehicles**

- (1) The driver of a motor vehicle entering or leaving the aerodrome must furnish to the Caretaker all information required by him or her.
- (2) No person must—
  - (a) without the prior permission of the Caretaker, enter upon the manoeuvring area or move thereon with a motor vehicle, unless such motor vehicle is equipped with a two-way radio tuned to the current radio frequency of air traffic control, or is escorted by a vehicle equipped with such two-way radio;
  - (b) enter or be on the maintenance area with a motor vehicle unless an entry permit issued by the Caretaker is displayed in a conspicuous place on the motor vehicle;

- (c) with a vehicle exceed a speed of 10 kilometres per hour on the aerodrome, except in an emergency;
- (d) park a vehicle on the aerodrome in such a way as to obstruct the normal flow of through traffic, or
- (e) park a vehicle on the aerodrome in a place where parking is prohibited by means of notice boards or traffic signs.

## 6. Admission to the maintenance area

- (1) No person except the following persons, must enter upon or be on the maintenance area-
  - (a) the pilot and crew of an aircraft who use the aerodrome in the execution of their duties;
  - (b) technical personnel who have to enter upon the said area in the execution of their duties.
  - (c) a learner pilot, for the purpose of instruction or practice.
  - (d) an aerodrome ground personnel member on duty and other aerodrome personnel who have to be on the said area in the execution of their duties.
  - (e) an air passenger, only while directly going to or coming from an aircraft.
  - (f) any person to whom the Caretaker has given express permission to be on such area.

## 7. General

- (1) The provisions of these By-laws must not detract from the provisions of the Aviation Act, 1962 ([Act 74 of 1962](#)), and the regulations promulgated there under.
- (2) The Director has control over the use of the hangars, buildings and other aerodrome facilities on the and from time to time determines the conditions applicable to such use.
- (3) All persons on the aerodrome must be under the control of the Caretaker.
- (4) The Caretaker may determine in which cases a landing must be regarded as an actual landing, according to which landing charges must be calculated.
- (5) No person must -
  - (a) park an aircraft for more than six hours on the paved area of the lading apron unless the Caretaker approves other arrangements in this regard; or
  - (b) enter a public aircraft hangar or meddle with the aircraft in such hangar unless he must have obtained prior permission from the Caretaker.
- (6) The charges for the use of any facility must be paid within a period of 30 days from the date of rendering of an account for such charges.

## 8. Offences and penalties

Any person who contravenes or fails to comply with any provision of these By-laws, is guilty of an offence and, on conviction, is liable to a fine or, in default of payment, imprisonment for a period not exceeding 12 months, or to both such

## 9. Repeal of By-laws

The provisions of any By-laws relating to aerodromes by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

## 10. Short title

These By-laws are called the Aerodromes By-laws.