



**STEVE TSHWETE LOCAL MUNICIPALITY**

**AERODROME BY-LAWS**



STEVE LAMARTE FOR ALL AMERICAN PEOPLE

AMERICAN PEOPLE

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NOTICE 62 OF 2007

STEVE TSHWETE LOCAL MUNICIPALITY

AERODROME BY-LAWS

Notice is hereby given in terms of Section 13 of the Local Government: Municipal Systems Act, 32 of 2000, as amended, read with Sections 156 and 162 of the Constitution of the Republic of South Africa, 108 of 1996 that the Steve Tshwete Local Municipality resolved to adopt the following Aerodrome By-laws with effect from the date of publication.

CONTENTS

SECTION	PAGE
1. Definitions	42
2. Aviation Act	42
3. Aerodrome Hours	42
4. Arrivals and Departures of Aircraft	43
5. Access to Landing Field	43
6. Regulating or Prohibiting of Vehicular Traffic and Pedestrians	44
7. General Conduct of Persons	45
8. General Control of Aircraft and Pilots	46
9. Removal of Damaged or Disabled Aircraft	48
10. Supply of Fuel to Aircraft	48
11. Persons or Cargo Carried in Aircraft Arriving from Outside the Republic	48
12. Boarding and Tampering with Aircraft	49
13. Use of Hangars	49
14. Trading	49
15. Offences and Penalties	49
16. Short Title	49

## 1. Definitions

(1) In these by-laws, unless the context otherwise indicates -

- "Act" means the Aviation Act 74 of 1962, as amended; and regulations published there under;
- "aerodrome" means the aerodrome known as the Municipal Aerodrome;
- "Council" means the Steve Tshwete Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, 117 of 1998;
- "landing field" means the area comprising the runways and other prepared ways for the passage of aircraft on the ground, aprons and all the land surrounding that area enclosed by a fence;
- "Manager" means the person appointed by the Council as Aerodrome, and includes any other person duly authorised to act in his/her stead from time to time;
- "maximum permissible mass" in relation to an aircraft, means its mass as authorised by its certificate of airworthiness;
- "public enclosures" means demarcated areas within the aerodrome set aside by Council from time to time for members of the public outside the landing field;
- "runway" means a defined rectangular area prepared or constructed for the landing and take-off run of aircraft along its length;
- "tariff charge" means the charge or charges determined by Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- "taxiway" means a defined path on the aerodrome constructed for the use of taxing aircraft.

(2) Any reference to the singular in this by law shall include the plural;

## 2. Aviation Act

(1). These by-laws must be read in conjunction with and subject to the Act and any regulations promulgated there under.

## 3. Aerodrome Hours

(1) The aerodrome will be open daily for the use and Council must display a notice at the entrance thereof setting forth the hours during which it shall be open.

- (2) No person will be allowed in the aerodrome outside such hours determined in terms of subsection (1).
- (3) No aircraft shall take-off, land or be allowed onto the runway outside such hours determined in terms of subsection (1).

#### 4. Arrivals and Departures of Aircraft

- (1) Immediately on landing at and before taking off from the aerodrome the pilot of the aircraft concerned must report to the Manager and furnish him or her with all information reasonably required by him or her and must, if instructed to do so, complete an arrival form or a departure form, as the case may be.
- (2) The pilot and any other person for the time being in charge or control of an aircraft must ensure that adequate precautions have been taken to keep unauthorised persons at a safe distance from an aircraft before any of its engines are started and while any engine is running.
- (3) All tariff charges due in respect of an aircraft must be paid by or on behalf of the pilot or any person in charge or control of an aircraft before its departure from the aerodrome.

#### 5. Access to Landing Field

No person may enter or be on the landing field except the following:-

- (1) pilots and crew of an aircraft based at or using the aerodrome in the course of their duties connected with the aircraft;
- (2) technical, mechanical and servicing personnel going to or from an aircraft in pursuance of their official duties connected to the aircraft;
- (3) pupil pilots going to or from an aircraft for purposes of instruction or practice;
- (4) members of the aerodrome's ground staff on duty, and other aerodrome officials authorised by the Manager;
- (5) aircraft passengers provided they pass directly between their aircraft and the designated public entrance in the enclosures, or otherwise moving under the directions of the Manager;
- (6) any person not mentioned above and who has been given express permission by the Manager to enter the landing field.

6. Regulation or Prohibiting of Vehicular Traffic and Pedestrians
- (1) A motor vehicle may, in the absence of any special direction given by the Manager, only be parked in an area designated for that purpose by notice by the Manager. These provisions do not apply to an officer of Council employed at the aerodrome while acting in the course of his or her official duties.
  - (2) The Manager may at any time without prior notice and either permanently or for a period he or she may determine, prohibit or restrict in a manner he or she may deem necessary, the admission of persons or vehicles to the aerodrome or to any particular part of the aerodrome.
  - (3) The Manager may, if he or she deems it necessary for the proper control of the aerodrome, direct the person in lawful charge of a vehicle which is parked on the aerodrome to remove the vehicle -
    - (a) to another place on the aerodrome indicated by the Manager;
    - (b) from the aerodrome.
  - (4) If any person refuses or fails or is not present to comply forthwith with a direction meant in subsection 93), the Manager may have that vehicle removed to another place or from the aerodrome.
  - (5) Motor vehicles may not be driven on the taxiways or runways without special permission from the Manager.
  - (6) Pedestrians and passengers in vehicles at the aerodrome are subject to the supervision of the Manager and must obey the Manager's directions with regard to their movements as the Manager may consider necessary to give in the interests of safety or good management of the aerodrome.
  - (7) Persons under the age of fourteen may enter the aerodrome only if accompanied by and under the direct supervision of an adult person, unless such person is an authorised passenger in an aircraft.
  - (8) Should the conduct of a person under the age of fourteen years, who is accompanied by an adult, is in the opinion of the Manager, prejudicial to the amenities and proper management of the aerodrome, or constitute a safety risk

such person or any other person, the Manager may require removal of such person from the aerodrome.

- (9) The Manager has the right to remove from the aerodrome an unaccompanied person under the age of 14 years, not being an authorised passenger in an aircraft.

7. General Conduct of Persons

- (1) It shall be a contravention of these by-laws to do any of the following acts within or on the boundary of the aerodrome:-

- (a) to affix, place or distribute any placard, pamphlet, book, handbill, or any other printed matter, or to mark, draw or erect any advertisement or graffiti, without the Manager's written consent;
- (b) to climb any tree, building or other structure;
- (c) to uproot or injure any tree or plant or pick any flower;
- (d) to light or in any other manner cause a fire or smoke or bring an open flame or smouldering object -
  - (i) into any place where such act is prohibited by a notice displayed by the Manager; or
  - (ii) within 15 meter of an aircraft or of any vehicle used for the supply of fuel to an aircraft or a store or dump of liquid fuel or explosives.
- (e) to tamper or interfere with any fire-hose reel, hydrant or any other item provided for fire-fighting purposes, or in the event of a fire, to interfere with or take part in any rescue or fire-fighting operation, unless instructed to do so by the official in charge of such operation;
- (f) to discharge any firearm or air gun or set off any firework; to use a catapult or to throw any stone or other object except in cases of persons legally entitled to do so;
- (g) for any person to enter any restroom reserved for the opposite sex;
- (h) for any person to enter any building or place in disregard of a notice prohibiting such entry;

- (i) to play any musical instrument, operate any sound reproducing device, sing or make any speech without the Manager's written consent;
  - (j) to cause any obstruction, disturbance or nuisance; or commit any act causing annoyance or nuisance to other persons;
  - (k) to enter or leave the aerodrome or any part thereof except by means of the entrances or exists provided for these purposes;
  - (l) to hinder, obstruct or in any other way interfere with any employee or appointee of the Council in the execution of his or her duties, or interfere with any other person in the execution of any duty connected with an aircraft;
  - (m) to fail to close any gate in any fence enclosing the landing field immediately after passing through it.
- (2) No person may bring into, or allow his or her pet to enter the aerodrome, unless it is kept on a secure leach. The Manager has the right to impound any pet found to be at large within the aerodrome, or cause the pet, if injured or deceased, to be removed or destroyed. Council shall not be liable to pay compensation to any person in respect of the destruction of any pet in terms hereof.

8. General Control of Aircraft and Pilots

- (1) The owners and pilots of aircraft making use of the aerodrome are jointly and severally responsible for any damage resulting to the aerodrome or any building, installation, structure, appliance or other property thereon due to-
  - (a) the failure of a pilot or of any member of the crew of the aircraft to comply with these by-laws or the Act; or
  - (b) any negligent act or omission.
- (2) The Manager is entitled to remove or move any aircraft, vehicle or article or other object necessary to enforce compliance with these by-laws and the Act and neither the Manager or any person acting under his/her directions, nor the

Council shall be liable for the consequences of any action properly taken by the Manager in pursuance of the provisions hereof.

- (3) An aircraft must be parked in accordance with directions given by the Manager.
- (4) The person responsible for the parking of an aircraft must ensure that the aircraft is firmly secured to the ground when left unattended or during weather likely to cause the aircraft to move.
- (5) Neither Council nor its employees are liable for any theft from or damage to an aircraft occurring while it is at the aerodrome and particularly damage occurring to the aircraft while being moved in or out of hangars, parked or moved from one position to another on the aerodrome.
- (6) No aircraft shall be left unattended within the landing area.
- (7) The engine of an aircraft shall not be started or allowed to be running unless there is a pilot or a competent engineer in the cockpit of the aircraft.
- (8) The engine of an aircraft shall not be run if the aircraft is in such a position that the resulting air-stream blows into or against any building, aircraft or person and unless effective and properly constructed chocks are placed in front of its wheels, whether or not the aircraft is fitted with brakes.
- (9) No chock, drum, loading step, trestle or other equipment or object capable of causing an obstruction will be left on the landing field except whilst its presence is absolutely necessary.
- (10) Save in an emergency no application for the use of night landing facilities will be granted unless received by the Manager during office hours.
- (11) Neither the Manager or Council nor any of its employees, will be liable for any damage or loss to any person, direct or consequential, resulting from any aircraft approach, landing, or movement, whether during day time or night time.
- (12) The Manager may stop an aircraft, pilot or passenger from leaving the aerodrome on instructions from-

- (a) the Department of Transport (Chief: Directorate: Civil Aviation Authority);
- (b) the Department of Home Affairs;
- (c) the Department of Customs and Excise;
- (d) the South African Police Services; or
- (e) any other statutory authority acting in terms of applicable legislation.

9. **Removal of Damaged or Disabled Aircraft**

- (1) The operator of any damaged or disabled aircraft must, if directed to do so by the Manager, move the aircraft, any part of the aircraft, or any cargo or thing carried on the aircraft, to another safe place on the aerodrome or from the aerodrome.
- (2) If the operator of a damaged or disabled aircraft refuses or fails or is not present to comply forthwith with any direction given by the Manager in terms of Section 9(1), the Manager may take all steps necessary to ensure that such direction is complied with as expeditiously and safely as possible and such operator shall be liable for the payment of any costs incurred by Council in respect of such removal.

10. **Supply of Fuel to Aircraft**

- (1) Fuel may not be supplied to any aircraft on the aerodrome except at a place and in a manner approved of by the Manager.
- (2) The Manager may make any approval granted by him or her in terms of Section 10(1) subject to compliance with such conditions as he or she may consider necessary to impose in order to safeguard persons or property on the aerodrome. The Manager may from time to time vary or add any conditions so imposed; or withdraw his or her approval.

11. **Persons or Cargo carried in Aircraft arriving from outside the Republic**

- (1) No person may disembark or cargo be unloaded from aircraft arriving on the aerodrome from any point outside the Republic of South Africa until permission for such disembarkation or unloading has been granted by the Customs, Civil Aviation Authority, South African Police Service,

Immigration or Health Authorities, or, if necessary, by all these authorities; or their legal successors.

**12. Boarding or Tampering with Aircraft**

- (1) Except with the permission of the pilot or any person in charge or control of an aircraft on the aerodrome, no person may-
- (a) board such aircraft; or
  - (b) tamper or interfere in any way whatsoever with such aircraft or anything connected to the aircraft.

**13. Use of Hangars**

- (1) The erection, use, removal and alteration of hangars, buildings and other facilities on the aerodrome are under the control of the Manager and the erection, use, removal and alteration thereof will be subject to any conditions imposed by the Manager from time to time and the payment of any tariff charge prescribed.

**14. Trading**

- (1) No person may engage in a trade of whatever nature within the boundary of the aerodrome unless with the Council's prior written consent to do so and on such conditions as may be determined by the Council from time to time.

**15. Offences and Penalties**

- (1) Any person who contravenes any of the provisions of these by-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding R2 000.00 or in default of payment, to imprisonment for a period not exceeding three months, or to both such fine and imprisonment.

**16. Short Title**

- (1) These by-laws will be known as the Aerodrome By-Laws.