

ORDINANCE NO. 1978 M 49

AN ORDINANCE PROHIBITING THE LANDING OF
CIVIL AIRCRAFT WITHIN 3 MILES OF THE CITY
OF ST. CHARLES, ILLINOIS AND NOT WITHIN THE
CORPORATE LIMITS OF ANOTHER MUNICIPALITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS that Chapter 28
entitled "Misdemeanors and Other Offenses", Section 28.017a
be and is hereby amended so that it shall hereafter read as
follows:

"Section 28.017a

I.

Definitions:

1. 'Aircraft' means any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.
2. 'Civil Aircraft' means any aircraft other than public aircraft.
3. 'Navigable Waters' means any stream, creek or river within three miles of the corporate limits of the City of St. Charles but not within the corporate limits of another municipality.
4. 'Operator' means a person who causes or authorizes the operation of an aircraft whether with or without the right of legal control of the aircraft.
5. 'Person' means any individual, firm, partnership, corporation, company, association, joint stock association, public service corporation or body politic.

6. 'Public Aircraft' means an aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

II.

It shall be unlawful for the operator of any civil aircraft to cause or permit said civil aircraft to land or otherwise make any physical touching at any time on or upon any navigable water within the corporate limits or within 3 miles of the corporate limits of the City of St. Charles, Illinois, and not within the corporate limits of another municipality or on or upon any land within the corporate limits of the City of St. Charles.

III.

This ordinance shall not apply to any valid permit issued pursuant to the Illinois Aeronautics Act prior to the effective date of this ordinance.

IV.

The Director of Public Works shall cause to be erected and maintained suitable signs bearing the inscription "No Landing of Civil Aircraft at Any Time" or words of similar import.

V.

Any person who violates this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense.

VI.

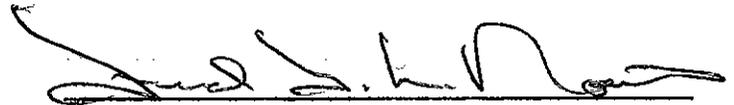
Should any part or provision of this ordinance be declared invalid such invalidity shall not effect any other part or provision of this ordinance."

This ordinance shall become effective upon its passage, approval and publication pursuant to statute.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 6th day of November, 1978.

PASSED by the City Council of the City of St. Charles, Illinois, this 6th day of November, 1978.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 6th day of November, 1978.



MAYOR

ATTEST:


CITY CLERK

Council Vote: Aye 10
Nay 0

STATE OF ILLINOIS)
)
COUNTIES OF KANE AND DUPAGE) SS.
)
CITY OF ST. CHARLES)

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 1978-M-49 entitled

An Ordinance Prohibiting the Landing of Civil Aircraft Within 3

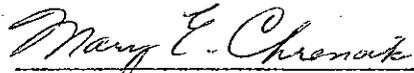
Miles of the City of St. Charles, Illinois and not Within the Corporate Limits of Another Municipality

passed by the City Council of the City of St. Charles on the

6th day of November 1978 A.D., as morefully

appears from the records and files of said City in my custody.

Given under my hand and the official seal of said City of St. Charles, this 6th day of November 1978 A.D.



Mary E. Chrencik, City Clerk

CITY OF ST. CHARLES
(312) 584-2700



MUNICIPAL CENTER

2 East Main St.
St. Charles, Illinois 60174

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November 1st, 1978

MEMORANDUM TO: CITY COUNCIL

FROM: ALLEN LANDMEIER, City Attorney

RE: Regulations prohibiting landing of airplanes

With respect to the matter of regulating the landing of aircraft within the City limits, I have researched the law and contacted the Department of Transportation of the State of Illinois, Division of Aeronautics. The result of that research indicates that under Chapter 15½, Section 2279, it is a Class A misdemeanor to violate the provisions of the Illinois Aeronautics Act. In particular, the Act provides in Section 2247 that it is unlawful for any person to "use or operate any airport or restricted landing area for which a Certificate of Approval has not been issued by the Department".

Chapter 24, Section 7-4-4 provides that municipalities have "jurisdiction over all waters within or bordering upon the municipality to the extent of three miles beyond the corporate limits...."

I find no specific authority within the Statutes which grants the state the right to restrict landing of aircraft within the City limits other than which has already been legislated with respect to jurisdiction over waters.

The State Statutes do limit the landing of aircraft and provide for a penalty described above. Since there is no specific statutory authority for the amendment, one basis for supporting this legislation is the general police power of the City. There is some risk that on the lack of specific statute authority,

November 1st, 1978

Memorandum to: City Council

from: Allen Landmeier, City Attorney

the amendment could be struck down at a future date. Consequently, it is for the Council to decide whether the statutory provisions under the Illinois Aeronautics Act are sufficient or if the Council wishes to legislate in this area and run the risk of the Ordinance being struck down at a future date.