

(Published in the Garden City Telegram this 8th day of June, 2015.)

ORDINANCE No. 420

AN ORDINANCE SETTING RESTRICTIONS ON PESTICIDE USAGE AND STORAGE FOR THE CITY OF SUBLETTE, KANSAS MUNICIPAL AIRPORT AND PROVIDING PENALTIES FOR VIOLATIONS OF THE SAME.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SUBLETTE, KANSAS.

SECTION 1. PURPOSE. In order to maintain and provide for the safety of the citizens of the city of Sublette, Kansas including, but not limited to the protection of the waste management system for the City which is in close proximity to the airport, the City deems it paramount to set restrictions and limitations on the use and storage of pesticides in the Sublette Municipal Airport.

SECTION 2. PROHIBITED ACTS. No pesticides exceeding five gallons in amount shall be stored, transported, flown into, flown out of, or in any way possessed on the Sublette Municipal Airport except for under circumstances as outlined below in Section 3.

SECTION 3. CONDITIONS ALLOWING USE OF AIRPORT FOR PESTICIDE STORAGE/APPLICATION. In the event an individual, corporation, or other entity desires to utilize the Sublette Municipal Airport for the purpose of storage and or application of pesticides use then the same can occur if the following conditions are all met prior to the same:

- a.) A \$50,000 fee per storage container located on the airport shall be assessed per day.
- b.) A \$50,000 per plane use fee will be assessed per day against any plane involved in the activity of applying pesticides.
- c.) The fees discussed above shall be paid in advance of a minimum of 30 days prior to any such use of the airport for applying/storing pesticides.
- d.) A minimum ten million dollar (\$10,000,000) insurance policy covering all liabilities of the same.
- e.) A permit shall be applied for to the City and granted with specific dates given full valid payment of the above costs along with insurance verification.
- f.) All storage of any pesticides must comply with K.A.R. 4-13-25: 4-13-25k which governs containment of such pesticides.

SECTION 4. POLICE POWERS. The City extends all its police powers and ordinances pertaining thereto to the Sublette Municipal Airport to the same degree and with the same force as if the airport property was situated within the city limits.

SECTION 5. PENALTIES.

- a.) Any individual, or any individual on behalf of any entity found in violation of this ordinance shall be punished as provided herein, together with any civil penalties for the same. A maximum jail sentence of six (6) months and \$1500 minimum fine not to exceed \$2500 shall be imposed upon the conviction of the same. The court shall order a sentence with a minimum of 30 days in jail to be served with no possibility of house arrest/work release for the same.
- b.) Upon conviction of the same the individual and entity in which the individual represents shall be banned from the use of the Sublette Municipal Airport indefinitely. The entity or individual may petition the City for reinstatement of the ability to utilize the airport, but may only do so one year from the date of the ban. In so determining if the ban shall be lifted the City shall take into consideration if payments as outlined under Section 3 have been made, the intent of the wrongdoer, the damage caused by the violation, and other factors as deemed appropriate by the City. In no event, shall the City shall not lift the ban if Section 3 has not been satisfied for the event giving rise to the ban.

SECTION 6. EFFECTIVE DATE. That this ordinance shall be in full force and effect from and after its publication once in the official newspaper.

SECTION 7. PREVIOUS ORDINANCES. All Ordinances or parts thereof, which are in conflict with this Ordinance are hereby repealed. Any section or part of this ordinance deemed to be unconstitutional or invalid shall not invalidate the remaining provisions of this ordinance.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF SUBLETTE, KANSAS, AND THE MAYOR, THIS ____ DAY OF _____, 2015.

JERY BAILEY-MAYOR

(SEAL)
ATTEST:

JEANNIE TRIGG-CITY CLERK