

ARTICLE 70:02

AERONAUTICS

Chapter

- 70:02:01 Procedural rules.
- 70:02:02 Aerial applicators, Repealed.
- 70:02:03 Structures affecting aviation, Repealed.
- 70:02:04 Airport ~~licensing approval~~.
- 70:02:05 Registration of aircraft, Repealed.
- 70:02:06 Pilot and airport employee identification, Repealed.

CHAPTER 70:02:04

AIRPORT ~~LICENSING APPROVAL~~

Section

- 70:02:04:01 Definitions.
- 70:02:04:02 Airport, ~~landing field, or heliport~~ must receive approval ~~or license~~ to be used or operated -- Application procedure -- Inspection.
- 70:02:04:03 Types of ~~license or~~ approvals -- Period of approval ~~or license~~.
- 70:02:04:04 Responsibility of ~~licensees~~ holder of certificate of approval.
- 70:02:04:05 Criteria for revocation of and refusal to renew ~~licenses~~ certificate of approval.
- 70:02:04:06 Airports, landing fields and heliports to be located to avoid conflicts and overlaps, ~~Repealed~~.

- 70:02:04:07 Minimum requirements for nonrestricted ~~licensing or~~ approval of airports ~~and landing fields~~.
- 70:02:04:08 Airports approved prior to July 24, 1974, to be noted as approved under previous standards, Repealed.
- 70:02:04:09 Minimum requirements for heliports.
- 70:02:04:10 Field marking requirements for airports, ~~landing fields and heliports~~ licensed approved for other than restricted use.
- 70:02:04:11 Wind indicators required.
- 70:02:04:12 Aircraft at rest to be visible from any point on landing area -- Exception.
- 70:02:04:13 Airports required to control access.
- 70:02:04:14 Minimum requirements for ~~restricted use landing fields~~ temporary airports.
- 70:02:04:15 Minimum requirements for public airports.
- 70:02:04:16 Repealed.
- 70:02:04:17 Permits Approval required for use of temporary ~~fields~~ airport -- Method of application -- Time element -- Inspection by ~~Aeronautics Commission~~ the Department of Transportation -- Refusal by commission upon abuse of ~~license~~ certificate of approval.
- 70:02:04:18 Private airports for personal use only to be located to avoid conflicts -- Registration Approval required.
- 70:02:04:19 Waiver of rules by commission authorized, Repealed.
- 70:02:04:20 Conduct of appeals from rules governing airport, Repealed.

70:02:04:01. Definitions. Words defined in SDCL 50-1-1, ~~50-10-1 and 50-13-1~~ have the same meaning when used in this chapter. ~~In addition, terms used in this chapter mean:~~

- ~~—— (1) "Heliport," any area of land, water, or structure used or intended to be used for the landing and taking off of helicopters;~~
- ~~—— (2) "Landing area," that portion of an airport, landing field, or heliport used for the landing and taking off of aircraft;~~
- ~~—— (3) "Licensee," the person, firm, agency or political subdivision to whom a license is issued by the commission;~~
- ~~—— (4) "License," the certificate issued by the commission authorizing the operation of the facility stated thereon;~~
- ~~—— (5) "Publicly owned airport," any airport that the portion of the airport used for the landing and taking off of aircraft is owned by a governmental body, political subdivision, public agency, or other public corporation;~~
- ~~—— (6) "Public airport," any airport, whether publicly or privately owned, that is open to and available for use by the flying public;~~
- ~~—— (7) "Private airport," any airport that is open to and available for use only by the owner and the owner's invitees;~~
- ~~—— (8) "Restricted use landing field," a landing area approved by the commission for restricted use only as stated in the approval or to be used in case of emergency.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003; 39 SDR 37, effective September 12, 2012.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-1-1; 50-5-1; 50-5-3.

70:02:04:02. Airport, ~~landing field, or heliport~~ must receive approval ~~or license~~ to be used or operated -- Application procedure -- Inspection. ~~Before any public airport, landing field, or heliport, or any private airport, landing field, or heliport located within two miles of the nearest boundary of any approved public airport, is used or operated in the state of South Dakota, the airport, landing field, or heliport shall be licensed or approved by the commission. The owner or operator shall make an application to the commission for the approval or licensing of the airport, landing field, or heliport. Upon receipt of a completed application for a public airport, public heliport, or restricted use landing field, the commission shall cause the airport, landing field, or heliport to be inspected. After a review of the application and the completion of any required inspection, if the proposed airport, landing field, or heliport is found to meet the minimum requirements as set forth in chapter 70:02:04 and the location of the proposed airport, landing field, or heliport is deemed not to be dangerous for aircraft operations or will not hinder the health, welfare, and safety of the public, the commission shall~~ must ~~approve or license the certificate of approval for~~ the airport, ~~landing field, or heliport~~.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR 160, effective June 2, 2003; 39 SDR 37, effective September 12, 2012.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3; 50-5-8.

70:02:04:03. Types of ~~license or~~ approvals -- Period of approval ~~or license~~. ~~Types~~ The
types of ~~license or~~ approvals issued by the commission pursuant to SDCL 50-5-1 and §

70:02:04:03 are as follows:

(1) ~~For approval~~ A private airport certificate of approval for: restricted use landing field;
temporary field; a temporary airport or private airport; and

(2) ~~For~~ A public airport ~~license~~ certificate of approval for: private commercial airport; ~~or~~
heliport; purposes or for public use airport or heliport.

Each certificate of approval ~~or license~~ issued by the commission is effective for a period of
one year, except for a certificate of approval for a temporary airport pursuant to § 70:02:04:17
and the one-time approval issued for a private airport pursuant to § 70:02:04:18.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR
160, effective June 2, 2003.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:04. Responsibility of ~~licensee~~ holder of certificate of approval. The ~~licensee~~ holder of a certificate of approval shall have the following responsibilities:

- (1) Enforcing the restrictions, if any, placed ~~thereon~~ on the certificate of approval by the commission;
- (2) Prescribing and posting a traffic pattern for the ~~field with the assistance and approval of the commission~~ landing area. ~~Traffic~~ The traffic pattern must be posted within ~~60~~ sixty days after the issuance of a ~~license or~~ certificate of approval;
- (3) Supervising or causing the supervision of all aeronautical activity in ~~connection with and in conformity~~ compliance with all terms, conditions and restrictions with the prescribed limitations of the ~~licensed field~~ certificate of approval;
- (4) Maintaining the landing area so as to permit safe operation of aircraft at all times;
- (5) Requesting a renewal of the ~~license~~ certificate of approval at least ~~30~~ thirty days prior to the expiration date shown on the ~~license~~ certificate of approval; and
- (6) Designating a person ~~who shall to~~ be called the ~~airport or heliport~~ manager; ~~such person shall be~~. The manager is responsible ~~to see for seeing~~ that the rules prescribed in chapter 70:02:04 are complied with and shall promptly notify the commission ~~by the fastest means possible~~ of any changes in the conditions of the ~~facilities~~ airport.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3; 50-5-6.

70:02:04:05. Criteria for revocation of and refusal to renew ~~licenses~~ certificate of approval. The commission may, after providing notice to the holder of a certificate of approval and an opportunity for a hearing ~~to the licensee~~, revoke any ~~license or renewal thereof~~ certificate of approval, or refuse to issue a renewal ~~when it shall reasonably determine if the commission determines~~:

(1) There has been an abandonment of the airport, ~~heliport or restricted use landing area~~ as such;

(2) There has been a failure to comply with the conditions of the ~~license~~ certificate of approval or renewal thereof; or

(3) ~~Because~~ That because of a change of physical or legal conditions, or circumstances, the airport, ~~heliport or restricted use landing field~~ has become unsafe or unusable for the aeronautical purpose for which the ~~license~~ certificate of approval or renewal was issued.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3; 50-5-6; 50-5-7; 50-5-8.

70:02:04:06. Airports, landing fields and heliports to be located to avoid conflicts and overlaps. ~~All airports, landing fields and heliports shall be so located and spaced one from the other that their flight pattern and approach areas as established or approved by the commission will not in any way conflict or overlap~~ Repealed.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

Law Implemented: ~~SDCL 50-2-2.1.~~

70:02:04:07. Minimum requirements for nonrestricted ~~licensing or~~ approval of airports ~~and landing fields~~. ~~All~~ To be eligible for commission approval, all airports ~~and landing fields~~, other than those airports for restricted use only, ~~to be eligible for approval or licensing~~ must meet the following requirements:

(1) Each end of the runway ~~shall must~~ have a minimum unobstructed approach zone providing a glide angle of at least 20:1. This approach zone ~~shall must~~ be trapezoidal in shape, beginning at a point ~~200~~ two hundred feet beyond the end of the runway and extending out ~~5,000~~ five thousand feet along the extended centerline. This zone is ~~250~~ two hundred fifty feet wide at the inner edge and ~~1,250~~ one thousand two hundred fifty feet wide at the outer edge. The approach zone ~~shall must~~ have a minimum clearance of ~~15~~ fifteen feet over all highways, ~~17~~ seventeen feet over interstate highways, and ~~23~~ twenty-three feet over railroads;

(2) No objects ~~shall may~~ penetrate the primary or transitional surfaces. The primary surface is a horizontal plane, ~~250~~ two hundred fifty feet wide, ~~125~~ one hundred twenty-five feet on either side of the landing area centerline and at the same elevation as the centerline. The transitional surface is an inclined plane with a slope of 7:1, being ~~7~~ seven feet horizontal for each one foot vertical, beginning at the outer edge of the primary surface and extending upward and outward;

(3) Runway lengths listed in ~~subdivisions 70:02:04:07(5) to (7), inclusive~~ subdivision (5) of this section must be increased for site elevation at the rate of ~~7~~ seven percent for each ~~1,000~~ one thousand feet of elevation above mean sea level; ~~five tenths~~ five-tenths of one percent for each degree by which the mean maximum temperature of the hottest month exceeds the standard temperature of ~~60~~ sixty degrees Fahrenheit; and ~~20~~ twenty percent for each one percent of effective gradient;

(4) The entire landing area must be suitable for safe operation of aircraft under normal weather conditions; and

(5) ~~Airports approved by the commission prior to August 25, 1964, shall have at least one serviceable landing area of 1,600 feet in length and 100 feet usable width;~~

~~(6) Airports approved between August 25, 1964, and July 24, 1974, inclusive, shall have at least one serviceable landing area 1,800 feet in length, 100 feet usable width;~~

(7) Airports ~~established or requesting approval after July 24, 1974, shall~~ must have at least one serviceable runway ~~2,100~~ two thousand one hundred feet in length, ~~50 and fifty~~ feet of usable width. For landing ~~fields or turf strips areas,~~ the length ~~shall~~ must be increased by ~~400~~ four hundred feet after the necessary corrections have been added and the usable width increased to ~~100~~ one hundred feet.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:08. Airports approved prior to July 24, 1974, to be noted as approved under previous standards. ~~All airports approved for public use prior to July 24, 1974, which do not meet the minimum length requirements established by this chapter shall remain in the directory of approved airports but shall be specifically noted as being approved under the previously adopted minimum standards~~ Repealed.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

Law Implemented: ~~SDCL 50-2-2.1.~~

70:02:04:09. Minimum requirements for heliports. ~~All~~ To be eligible for commission approval, all classifications of heliports must meet the following ~~minimum~~ requirements:

(1) For a single pad heliport, there must be a touchdown pad at least ~~50~~ fifty feet in diameter with a safety zone, free of all obstructions, extending outward for a distance of at least ~~50~~ fifty feet beyond the outer edge of the touchdown pad;

(2) For a multiple pad heliport, touchdown pads ~~should~~ must be arranged in appropriate multiples having a minimum edge to edge distance of ~~100~~ one hundred feet between safety zones as described in subdivision (1) of this section; and

(3) Approaches to permit landings and takeoffs in the prevailing wind direction ~~shall~~ must have a slope of 10:1, or better, and the side slope in all other directions ~~shall~~ must be 5:1, or better, with both slopes extending outward until a height equal to the minimum enroute altitude is reached;

~~(4) Heliports on building roofs may be licensed if the roof is of sufficient size and if adequate evidence is shown that the roof will support a concentrated load equivalent to three quarters of the maximum gross weight of the critical helicopter to be used on any one square foot.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:10. Field marking requirements for airports, ~~landing fields and heliports~~
~~licensed approved~~ for other than restricted use. All airports, ~~landing fields and heliports~~
~~licensed approved~~ for other than restricted use ~~shall~~ must have the landing area clearly marked ~~so~~
~~as~~ to be readily discernible from the air and from the ground as required by the commission, and
in addition:

(1) Any part of the landing area that is temporarily unsafe for aircraft operations ~~shall~~
must be clearly marked by day with red flags not less than ~~18~~ eighteen inches square so placed as
to show the boundaries of the ~~dangerous~~ unsafe areas;

(2) By night, if the airport is equipped with field, runway, or strip lighting, ~~dangerous~~
unsafe areas ~~shall~~ must be clearly marked with either red electric lights with water proof fittings
or with lighting methods approved by the commission; and

(3) When an airport is marked as a closed facility there ~~shall~~ must be a yellow cross
placed at the wind indicator or inside the segmented circle, if one exists, ~~and when.~~ When any
~~one~~ landing area or portion thereof is marked as being closed, there ~~shall~~ must be a yellow cross
placed at both ends of ~~said the~~ landing area or closed portion. Each of the four legs of the cross
~~shall~~ must be a minimum of ~~15~~ fifteen feet in length and ~~4~~ four feet in width and yellow in color.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:11. Wind indicators required. All airports, ~~landing fields or heliports shall be required to~~ must have at least one wind direction indicator ~~of the type and kind approved by the commission, so located to show a,~~ in a location readily visible to aircraft, that provides a true indication of the wind on the landing area. If the airport, ~~landing field or heliport~~ is lighted for night operations, the wind indicator ~~shall~~ must be equipped with adequate lighting.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:12. Aircraft at rest to be visible from any point on landing area --

Exception. Except for those airports having adequate traffic control, each landing area ~~shall~~ must be oriented in such position that an aircraft at rest at any point ~~thereon~~ on a landing area is visible from any other point on ~~the~~ all landing ~~area or~~ areas.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:13. Airports required to control access. Each airport ~~shall~~ must be adequately fenced ~~so as~~ to control the access of unauthorized persons, automobiles, equipment, or livestock onto the areas designated as landing areas, taxiways, or ~~tie-down~~ tie-down areas. The minimum property width required for approval ~~shall be 200~~ is two hundred feet on either side of the landing area centerline. Fences ~~shall may~~ not be located closer than ~~200~~ two hundred feet from the centerline of the landing area.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:14. Minimum requirements for ~~restricted-use landing fields~~ temporary airport. ~~Restricted-use landing fields shall~~ A temporary airport must be of sufficient size and condition with adequate approach clearances to accommodate the type of aircraft specified to be used ~~thereon, and the use intended thereof~~ on the temporary airport.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:15. Minimum requirements for public airports. Public airports ~~shall~~ must meet all the requirements ~~as specified~~ in §§ 70:02:04:07 to 70:02:04:13, inclusive, and ~~in addition shall~~ must:

- (1) Have ~~tie-down~~ tie-down anchors ~~and chains~~ for at least three transit aircraft;
- (2) Have a suitable area for parking automobiles, adequately marked off and fenced to prevent ~~dangerous~~ overrunning of the landing area and aircraft parking area by automobiles; and
- (3) Have suitable aircraft parking ~~area~~ areas;
- ~~(4) Have a telephone at the airport or within reasonable distance of the airport.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:17. ~~Permits~~ Approval required for use of temporary ~~fields~~ airport --

Method of application -- Time element -- Inspection by ~~Aeronautics Commission~~

Department of Transportation -- Refusal by commission upon ~~abuse~~ misuse of ~~license~~

certificate of approval. Before the owner of any aircraft uses, or ~~propose~~ proposes to use, any area of land or water for temporary operations to, in any nature, transport or load and unload passengers ~~whatsoever~~, the owner shall apply to the ~~Aeronautics Commission~~ commission for a certificate of approval for a temporary field permit airport upon forms provided for that purpose by the ~~Aeronautics Commission~~ department. The application must be received by the ~~commission~~ the department at least ~~15~~ fifteen days before the date the applicant ~~wished~~ wishes to use the area. The area ~~shall~~ must then be inspected by the ~~commission~~ the department, ~~and if found to be of a size and nature that is safe for use by the type of aircraft specified in the application to be used in the operations and to have clear and unobstructed approaches to the temporary landing area, the~~ The commission may issue a ~~temporary field permit~~ certificate of approval for a temporary airport, not to exceed ~~60~~ sixty days, if the area:

(1) Is of a size and nature that is safe for use by the type of aircraft specified in the application to be used in the operations; and

(2) Has clear and unobstructed approaches to the temporary landing area.

____ However, if the ~~Aeronautics Commission~~ commission at any time determines that the ~~temporary field permit privilege~~ certificate of approval is being ~~abused by one or a group of owners of aircraft~~ utilized by any aircraft owner in a manner contrary to the interest of the health, welfare, and safety of the public, ~~it shall~~ the commission must refuse ~~the granting of temporary field permits to grant a certificate of approval for a temporary airport in the interest of the health, welfare, and safety of the public.~~

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3; 50-5-6; 50-5-8.

70:02:04:18. Private airports for personal use only to be located to avoid conflicts –
Approval required. ~~The only sections in~~ With the exception of §§ 70:02:04:02 and 70:02:04:03,
this chapter ~~that does not~~ apply to airports ~~and landing fields~~ established and used for personal
use only ~~are §§ 70:02:04:02 and 70:02:04:06~~. The commission may issue a one-time certificate
of approval for any airport ~~or landing field~~ established and used for personal use only if an
appropriate application has been submitted pursuant to § 70:02:04:02 and the proposed airport ~~or~~
~~landing field~~ meets the requirements of ~~§§ 70:02:04:06~~ 70:02:04:02 and 70:02:04:03.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987; 29 SDR
160, effective June 2, 2003.

General Authority: SDCL ~~50-2-2.1~~ 50-5-1.2.

Law Implemented: SDCL ~~50-2-2.1~~ 50-5-1; 50-5-3.

70:02:04:19. Waiver of rules by commission authorized. ~~The Aeronautics Commission may waive any portion of the rules contained in this chapter~~ Repealed.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

Law Implemented: ~~SDCL 50-2-2.1.~~

70:02:04:20. Conduct of appeals from rules governing airport licensing. ~~Any person adversely affected by the rules in this chapter may appeal in the manner prescribed under SDCL 50-2-27, 50-2-28 and 50-2-29~~ Repealed.

Source: SL 1975, ch 16, § 1; 13 SDR 129, 13 SDR 134, effective July 1, 1987.

General Authority: ~~SDCL 50-2-2.1.~~

Law Implemented: ~~SDCL 50-2-2.1.~~