

ORDINANCE # 641

An ordinance regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the New Hampton Airport by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to New Hampton Airport zoning map which is incorporated in and made a part of this ordinance; providing for enforcement; establishing responsibilities for the board of adjustment; and imposing penalties.

This Ordinance is adopted pursuant to the authority conferred by Chapter 329.3 of the Code of Iowa. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the New Hampton Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of the New Hampton Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the New Hampton Airport and the public investment therein. Accordingly, it is declared:

(1) that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by the New Hampton Airport;

(2) that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and

(3) that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW HAMPTON AS FOLLOWS:

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the New Hampton Airport Zoning Ordinance.

SECTION 2. Definitions. As used in this Ordinance, unless the context otherwise requires:

1. Airport. New Hampton Airport.
2. Airport Elevation. The highest point of an airport's usable landing area measured in feet from sea level.
3. Approach Surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. Approach, Transitional, Horizontal, and Conical Zones. These zones are set forth in Section III of this Ordinance.
5. Board of Adjustment. The board described in Section 25 of the 1985 City Code of the City of New Hampton.
6. Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. Hazard to Air Navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. Height. For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
9. Horizontal Surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. Nonconforming Use. Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
11. Nonprecision Instrument Runway. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
12. Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
13. Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, includes a trustee, a receiver, an assignee, or a similar representative of any of them.

14. Primary Surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

15. Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

16. Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

17. Transitional Surfaces. These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

18. Tree. Any object of natural growth.

19. Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

20. Visual Runway. A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 3. Airport Zones. In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the New Hampton Airport. Such zones are shown on the New Hampton Airport Zoning Map which is attached to this Ordinance and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward

uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the runway.

2. Utility Runway Nonprecision Instrument Approach Zone. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

3. Horizontal Zone. The horizontal zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION 4. Airport Zone Height Limitations. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Utility Runway Nonprecision Instrument Approach Zone. Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

3. Transitional Zones. Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to height of 150 feet above the airport elevation which is 1,173 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7)

feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

4. Horizontal Zone. Established at 150 feet above the airport elevation or at a height of 1,323 feet above mean sea level.

5. Conical Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

6. No structure shall be erected in Chickasaw County that raises the published Minimum Descent Altitude or Decision Height for an instrument approach to any runway, nor shall any structure be erected that causes the Minimum Obstruction Clearance Altitude or Minimum Enroute Altitude to be increased on any Federal Airway in Chickasaw County.

7. Excepted Height Limitations. Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

SECTION 5. Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 6. Nonconforming Uses.

1. Regulations Not Retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Public Works Director of the

City of New Hampton to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the City of New Hampton.

SECTION 7. Permits.

1. Future Uses. Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 7, [4].

a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c. In the area lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 4, [7].

2. Existing Uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. Nonconforming Uses Abandoned or Destroyed. Whenever the Public Works Director determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been furnished to the New Hampton Airport Commission for advice as to the aeronautical effects of the variance. If the New Hampton Airport Commission does not respond to the application within fifteen (15) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the City of New Hampton, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 8. Enforcement. It shall be the duty of the Public Works Director of the City of New Hampton to administer and enforce the regulations prescribed herein. Applications for permits and variances

shall be made to the Public Works Director upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Public Works Director shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Public Works Director.

SECTION 9. Board of Adjustment.

1. The Board of Adjustment of the City of New Hampton shall have and exercise the following powers in addition to those provided for in Section 25 of the 1985 City Code of the City of New Hampton:

a. to hear and decide appeals from any order, requirement, decision, or determination made by the Public Works Director in the enforcement of this Ordinance;

b. To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and

c. to hear and decide specific variances.

2. The rules and procedures provided for under Section 25 of the 1985 City Code of the City of New Hampton shall apply to all proceedings under this Ordinance.

SECTION 10. Penalties. Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine of not more than \$100.00 dollars or imprisonment for not more than 30 days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION 11. INTEGRATION WITH CODE. Each section, provision or part of this ordinance which is followed by a section number set off by parentheses shall be inserted in the 1985 New Hampton Municipal Code as indicated by said section number and hereafter shall be cited by reference to said section number.

SECTION 12. REPEALER. All ordinances and resolutions, parts thereof or amendments thereto in conflict with this ordinance are hereby repealed.

SECTION 13. SEVERABILITY OF REPEALER. All ordinances and resolutions, parts thereof or amendments thereto not directly affected by this ordinance, shall remain in full force and effect.

SECTION 14. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such section, provision or part shall be severable from the rest of the ordinance and such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part not adjudged invalid or unconstitutional.

SECTION 15. EFFECTIVE DATE. This ordinance shall be in full force and effect after its final passage and publication as provided by law.

PASSED AND ADOPTED this 17th day of March, 1986.

BY: Wendal Liddle
WENDAL LIDDLE, MAYOR

ATTEST: Shirley Engel
SHIRLEY ENGEL, CITY CLERK