

Chapter 4

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ARTICLE I. IN GENERAL

Secs. 4-1—4-25. Reserved.

ARTICLE II. ZONING COMMISSION*

Sec. 4-26. Created.

There is hereby established a commission to be known as the Waterloo Municipal Airport Zoning Commission.

(Code 1971, § 2-243)

Sec. 4-27. Membership.

The commission created by this article shall consist of seven members, two members to be selected by a majority vote of the members of the county board of supervisors, two members to be selected by a majority vote of the council of the City of Cedar Falls, and two members to be selected by a majority vote of the council of the City of Waterloo, Iowa. The seventh member shall be selected by a majority vote of the members of the commission selected by the municipalities, including the board of supervisors.

(Code 1971, § 2-244)

Sec. 4-28. Term of office.

The term of office of the members of the commission created by this article shall be, after the initial members' terms, for six years.

(Code 1971, § 2-245)

Sec. 4-29. Removal of members.

Members appointed to the commission created by this article may be removed by the appointing

*Editor's note—The Waterloo Municipal Airport Zoning Commission has been created by a resolution of the board of supervisors of Black Hawk County and by ordinances of the city councils of both Cedar Falls and Waterloo, Iowa.

Cross references—Board of electrical examiners and appeals, § 7-76 et seq.; board of plumbing examiners and appeals, § 7-281 et seq.; cable television commission, § 8-26 et seq.; human rights commission, § 15-31 et seq.; art and culture center and board, § 20-156 et seq.; parks and recreation commission, § 20-186 et seq.; planning and zoning commission, § 21-26 et seq.; zoning board of adjustment, § 29-56 et seq.

State law reference—Airport zoning commission generally, I.C.A. § 329.9.

authority upon written charges after a public hearing.

(Code 1971, § 2-246)

Sec. 4-30. Vacancies.

Vacancies on the commission created by this article shall be filled for the unexpired term of the member whose office becomes vacant in the same manner in which the member was selected.

(Code 1971, § 2-247)

Sec. 4-31. Establishment of rules of procedure.

The commission created by this article shall provide rules concerning its meetings and the conduct of its affairs.

(Code 1971, § 2-249)

Sec. 4-32. Powers.

The commission created by this article shall have all the powers conferred by I.C.A. ch. 329, including the power to recommend to the appointing authority zones, regulations and land uses permitted within the airport area.

(Code 1971, § 2-248)

Secs. 4-33—4-50. Reserved.

ARTICLE III. ZONING RESOLUTION AND ORDINANCE†

DIVISION 1. GENERALLY

Sec. 4-51. Title of article.

This article shall be known and may be cited as the Waterloo Municipal Airport Zoning Resolution and Ordinance.

(Code 1971, § 32-65)

†Editor's note—This article contains the Waterloo Municipal Airport Zoning Resolution and Ordinance. This article has been adopted by a resolution of the board of supervisors of Black Hawk County and by ordinances of the cities of Cedar Falls and Waterloo, Iowa.

State law references—Airport zoning generally, I.C.A. § 329.1 et seq.; airports generally, I.C.A. § 330.1 et seq.; municipal zoning generally, I.C.A. § 414.1 et seq.

Sec. 4-52. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Waterloo Municipal Airport and the lands embraced by the following description:

(1) The areas described as follows:

- a. The northeast quarter of section 32;
- b. The southeast quarter of section 32;
- c. The east half of the southwest quarter of section 32;
- d. The east half of the northwest quarter of section 32;
- e. The southwest quarter of the southeast quarter of section 33; and
- f. The southwest quarter of section 33;

all in township 90 north, range 13 west, of the fifth principal meridian, Black Hawk County, Iowa; and

(2) The areas described as follows:

- a. The north fractional half of section 5;
- b. The southeast quarter of section 5, except the right-of-way of the Illinois Central Railroad;
- c. All that part of the southwest quarter of section 5 lying north of the right-of-way of the Illinois Central Railroad;
- d. The west 37.38 acres of the north fractional half of the northeast fractional quarter of section 4;
- e. The southwest quarter of the northeast fractional quarter of section 4;
- f. The northwest fractional quarter of section 4;
- g. The west half of the southeast quarter of section 4, except the right-of-way of the Illinois Central Railroad;
- h. The east half of the southwest quarter of section 4, except the right-of-way of the Illinois Central Railroad; and
- i. The west half of the southwest quarter of section 4, except the right-of-way of the Illinois Central Railroad, and except that part thereof described as fol-

lows: beginning at the southeast corner of the west half of the southwest quarter of the section; thence north a distance of 364 feet to the southerly line of the right-of-way; thence westwardly along the southerly line of the right-of-way a distance of 229.6 feet; thence south a distance of 398.3 feet to the south line of the section; thence east a distance of 228.3 feet to the place of beginning; also excepting that part thereof described as follows: commencing at a point on the north line of the right-of-way of the Illinois Central Railroad which is 60 feet east of the centerline of the access road to the Waterloo Municipal Airport (which centerline of access road is 362.9 feet east of the west line of the section as measured along the north line of the right-of-way); thence north along a line which is parallel with and 60 feet east of the centerline of the access road a distance of 400 feet; thence east along a line which is parallel with the south line of the section a distance of 500 feet; thence south along a line which is parallel with the centerline of the access road to the north line of the right-of-way; thence west along the north line of the right-of-way to the place of beginning; together with an easement over a parcel of land across the right-of-way, which parcel is 50 feet in width on each side of the relocated centerline of the new Airport Road;

all in township 89 north, range 13 west, of the fifth principal meridian, Black Hawk County, Iowa.

Airport hazard means any structure or tree or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23 and 77.25, as revised March 4, 1972, and which obstructs the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

State law reference—Similar provisions, I.C.A. § 329.1(2).

Airport reference point means that point from which the boundaries of the horizontal surface and

the conical surface are measured, being described as follows: commencing at the southeast corner of the southwest quarter of section 4, township 89 north, range 13 west, of the fifth principal meridian; thence north 5,354.44 feet to a point on the centerline of the center taxiway; such point being hereby designated as the airport reference point.

Board means the airport zoning board of adjustment created by the provisions of section 4-71 et seq.

State law reference—Similar provisions, I.C.A. § 329.12.

Horizontal surface means a surface or plane 1,020 feet above sea level.

Nonconforming, as applied to any structure, tree or use of land, means that which does not conform to the regulations prescribed in this article as of the effective date of this article.

Obstruction means any tangible, inanimate physical object, natural or artificial, protruding above the surface of the ground.

State law reference—Similar provisions, I.C.A. § 329.1(8).

Person means any individual, firm, partnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee or other similar representative thereof.

State law reference—Similar provisions, I.C.A. § 329.1(5).

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks and overhead transmission lines, including the poles or other structures supporting the object.

State law reference—Similar provisions, I.C.A. § 329.1(6).

Tree means any object of natural growth.

State law reference—Similar provisions, I.C.A. § 329.1(7).

Usable landing area means that portion of the airport which is used or intended to be used for actual landings or takeoffs of aircraft at the airport, described as follows:

- (1) *Northwest-southeast landing strip*. A strip of land designated the northwest-southeast landing strip, being 500 feet in width, 250 feet on each side of a centerline which is described as follows: commencing at the southeast corner of the southwest quarter of section 4, township 89 north, range 13

west, of the fifth principal meridian; thence north 4,309.83 feet and west 940.34 feet to a point of beginning; thence north 52 degrees west 5,400 feet;

- (2) *East-west landing strip*. A strip of land designated the east-west landing strip, being 500 feet in width, 250 feet on each side of a centerline which is described as follows: commencing at the southeast corner of the southwest quarter of section 4, township 89 north, range 13 west, of the fifth principal meridian; thence north 5,212.08 feet and west 580.99 feet to a point of beginning; thence south 68 degrees west 5,400 feet; and

- (3) *North-south landing strip*. A strip of land designated the north-south landing strip, being 500 feet in width, 250 feet on each side of a centerline which is described as follows: commencing at the southeast corner of the southwest quarter of section 4, township 89 north, range 13 west, of the fifth principal meridian; thence north 2,789.80 feet and west 4,702.52 feet to a point of beginning; thence north 8 degrees east 5,400 feet.

(Code 1971, §§ 32-76—32-87)

Cross reference—Definitions and rules of construction generally, § 1-2.

Secs. 4-53—4-70. Reserved.

DIVISION 2. BOARD OF ADJUSTMENT*

Sec. 4-71. Created; membership.

An airport zoning board of adjustment is hereby established, which shall consist of seven members, two to be selected by the city council of the City of Waterloo, Iowa, two to be selected by the city council of the City of Cedar Falls, two to be selected by the county board of supervisors, and an additional member, who shall act as chairman of the board, to be selected by a majority vote of the members selected by the cities and the county. (Code 1971, § 32-131)

*State law reference—City to create board, I.C.A. § 329.12.

Sec. 4-72. Term of office.

The terms of the members of the airport zoning board of adjustment shall be, after the initial members' terms, five years.
(Code 1971, § 32-131)

Sec. 4-73. Rules of procedure.

The procedure and the conduct of the affairs of the airport zoning board of adjustment shall be in accordance with the provisions of I.C.A. § 414.9.
(Code 1971, § 32-132)

Sec. 4-74. Powers.

The airport zoning board of adjustment shall have the following powers:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this article.
- (2) To authorize in specific cases such variances from the terms of this article as will not be contrary to the public interest, when the board finds that, owing to special conditions, a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, if the variances are in harmony with the general purpose and intent of this article and would do substantial justice. The board, in allowing variances, may impose such reasonable conditions as it may deem necessary to effectuate the purposes of this article, including the reservation of the right to the cities of Waterloo and Cedar Falls and the county, or any of them, at the expense of such cities or county, to install, operate and maintain such markers and lights as shall be deemed by such cities or county to be necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of an airport hazard.

(Code 1971, § 32-135)

State law reference—Similar provisions, I.C.A. §§ 414.12, 329.11.

Sec. 4-75. Appeals generally.

Appeals to the airport zoning board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of any municipality or political subdivision affected by any decision of any administrative officer acting under the terms and provisions of this article. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
(Code 1971, § 32-133)

State law reference—Similar provisions, I.C.A. § 414.10.

Sec. 4-76. Effect of appeal.

An appeal under this division shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the airport zoning board of adjustment, after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board or by a court of record on application, on notice to the officer from whom the appeal is taken, to the board and to the appellant, and on due cause shown.

(Code 1971, § 32-134)

State law reference—Similar provisions, I.C.A. § 414.11.

Sec. 4-77. Variances to be accompanied by written finding of fact.

Every variation granted or denied by the airport zoning board of adjustment shall be accompanied by a written finding of fact based upon sworn testimony and evidence specifying the reasons for granting or denying the variation.

(Code 1971, § 32-136)

Sec. 4-78. Authority to reverse, affirm or modify order appealed from.

In exercising its powers on appeal, the airport zoning board of adjustment may reverse or affirm,

wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all of the powers of the officer from whom the appeal is taken.

(Code 1971, § 32-137)

State law reference—Similar provisions, I.C.A. § 414.13.

Sec. 4-79. Majority vote required for certain actions.

The concurring vote of a majority of the airport zoning board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter on which it is required to pass under this article or to effect any variation from the terms thereof.

(Code 1971, § 32-138)

State law reference—Similar provisions, I.C.A. § 414.14.

Secs. 4-80—4-95. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 4-96. Authority of airport zoning commission.

The regulations prescribed by this article shall be administered and enforced by the airport zoning commission constituted by a joint ordinance of the City of Waterloo, Ordinance No. 2059, enacted October 23, 1956, and the City of Cedar Falls, Ordinance No. 998, enacted November 12, 1956, and resolution of the county board of supervisors. Such commission may select an administrator of airport zoning regulations to assist in the performance of its duties.

(Code 1971, § 32-143)

Sec. 4-97. Penalty for violation of article.

Any person violating any provision of this chapter shall be deemed guilty of a municipal infraction and, upon conviction thereof, shall be subject to punishment as provided in section 1-9 of this Code.

(Code 1971, § 32-144; Ord. No. 2064, § 6, 8-8-94)

State law reference—Enforcement, I.C.A. § 329.14.

Sec. 4-98. Conflicting provisions.

In the event of any conflict between the requirements of this article and any other regulations applicable to the same area, the more stringent limitation or regulation shall govern and prevail.

(Code 1971, § 32-151)

State law reference—Similar provisions, I.C.A. § 329.8.

Secs: 4-99—4-115. Reserved.

DIVISION 4. APPROACH AND TURNING ZONES

Sec. 4-116. Generally.

In order to carry out the purpose of this article, airport approach zones and turning zones are created by this division embracing the area in and around the boundaries of the airport, which zones shall be as provided in this division.

(Code 1971, § 32-98)

Sec. 4-117. Instrument approach zones established.

(a) Instrument approach zones are hereby established extending in a southeasterly direction beginning 1,000 feet southeasterly from the southeast end of the paved portion of the northwest-southeast runway, as the runway was in place on the airport on May 27, 1957, designated as runway 30, and in a northwesterly direction beginning 1,000 feet northwesterly from the northwest end of the paved portion of the northwest-southeast runway, as the runway was in place on the airport on May 27, 1957, designated as runway 12, the northwest-southeast runway being 150 feet in width and with a centerline coincident with the centerline of the northwest-southeast landing strip.

(b) The instrument approach zone extending in a southeasterly direction as described in this section shall be bounded on the ground by the following lines:

- (1) A straight line 1,000 feet southeasterly from the runway end and at right angles to the extended centerline of the runway and extending a distance of 625 feet on each side of the extended centerline of the runway;

- (2) A straight line at the southeasterly end of the zone 35,320 feet southeasterly from the runway end and at right angles to the extended centerline of the runway and extending a distance of 8,000 feet on each side of the extended centerline of the runway; and
- (3) Two straight lines connecting the ends of the lines described in subsections (b)(1) and (b)(2) of this section, which extend to the same side of the projected centerline of the runway.

(c) The instrument approach zone extending in the northwesterly direction as described in this section shall be bounded on the ground by the following lines:

- (1) A straight line 1,000 feet northwesterly from the runway end and at right angles to the extended centerline of the runway and extending a distance of 625 feet on each side of the extended centerline of the runway;
- (2) A straight line at the northwesterly end of the zone 35,320 northwesterly from the runway end and at right angles to the extended centerline of the runway and extending a distance of 8,000 feet on each side of the extended centerline of the runway; and
- (3) Two straight lines connecting the ends of the lines described in subsections (c)(1) and (c)(2) of this subsection, which extend to the same side of the projected centerline of the runway.

(Code 1971, § 32-99)

Sec. 4-118. Noninstrument approach zones established.

Noninstrument approach zones are hereby established extending in a northerly direction beginning 1,000 feet north from the north end of the paved portion of the north-south runway, as the runway was in place on the airport, designated as runway 18 on May 27, 1957, and in a southerly direction beginning 1,000 feet south from the south end of the paved portion of the north-south runway, as the runway was in place on the airport on May 27, 1957, designated as runway 36, the north-south runway being 150 feet in width and with a

centerline coincident with the centerline of the north-south landing strip; and extending in an easterly direction beginning 1,000 feet east from the east end of the paved portion of the east-west runway, as the runway was in place on the airport on May 27, 1957, designated as runway 24, and in a westerly direction beginning 1,000 feet west from the west end of the paved portion of the east-west runway, as the runway was in place on the airport, designated as runway 6, the east-west runway being 150 feet in width, with a centerline coincident with the centerline of the east-west landing strip. Such noninstrument approach zones shall be bounded on the ground by the following lines:

- (1) A straight line 1,000 feet outward from the runway end and at right angles to the extended centerline of the runway and extending a distance of 350 feet on each side of the extended centerline of the runway;
- (2) A straight line at the opposite end of the zone 11,000 feet outward from the runway end and at right angles to the extended centerline of the runway and extending a distance of 1,250 feet on each side of the extended centerline of the runway; and
- (3) Two straight lines connecting the ends of the lines described in subsections (1) and (2) of this section, which extend to the same side of the projected centerline of the runway.

(Code 1971, § 32-100)

Sec. 4-119. Turning zones established.

Turning zones are hereby established containing all the area bounded on the ground by a circular line, all points of which are 13,500 feet from the airport reference point, and also containing the area beyond such circular line which lies 5,000 feet, measured at right angles to the extended centerline of the northwest-southeast runway, on each side of the instrument approach zones.

(Code 1971, § 32-101)

Secs. 4-120—4-135. Reserved.

DIVISION 5. HEIGHT LIMITATIONS

Sec. 4-136. Applicability.

Except as otherwise provided in this article, no structure or tree shall be erected, created, established, planted or allowed to grow in any zone described in section 4-116 et seq. to a height in excess of the height limits established by this division for the respective zones, nor shall any non-conforming structure or tree be so replaced, rebuilt, altered, allowed to grow higher or replanted in any such zone so as to extend to a greater height than the height thereof prior to such change or as to constitute a greater airport hazard than it was at the time of the adoption of the regulations contained in this article or any amendments thereto. (Code 1971, § 32-110)

Sec. 4-137. Obstructions in instrument approach zone.

No obstruction in an instrument approach zone shall project above a sloping plane extending from the runway end of the zone upward and outward therefrom rising at the rate of one foot vertically for each 50 feet horizontally from the runway end of the zone to a line perpendicular to the extended centerline of the runway 10,000 feet from the runway end of the zone, thence sloping upward and outward rising at the rate of one foot vertically for each 40 feet horizontally to the outer end of the zone. (Code 1971, § 32-111)

Sec. 4-138. Obstructions in noninstrument approach zone.

No obstruction in a noninstrument approach zone shall project above a sloping plane extended from the runway end of the zone upward and outward therefrom rising at the rate of one foot vertically for each 40 feet horizontally from the runway end of the zone to the outer end of the zone. (Code 1971, § 32-112)

Sec. 4-139. Obstructions in turning zone.

No obstruction in the turning zone shall project above the horizontal surface, conical surface and

transitional surfaces, which surfaces comprise the turning zone and are described as follows:

- (1) The horizontal surface is a plane, circular in shape, with an elevation of 1,020 feet above sea level, bounded on all sides by a circular line, all points of which are 8,500 feet, measured horizontally, from the airport reference point.
- (2) The conical surface extends upward and outward from the periphery of the horizontal surface, rising at a rate of one foot vertically for each 20 feet horizontally, measured in a vertical plane passing through the airport reference point. The outside boundary of the conical surface is a circular line, all points of which are 13,500 feet, measured horizontally, from the airport reference point.
- (3) The transitional surfaces are inclined planes sloping upward and outward at the rate of one foot vertically for each seven feet horizontally, measured in a vertical plane at right angles to the centerlines or extended centerlines of the runways. The transitional surfaces, symmetrically located on each side of each runway, extend upward and outward from a line on either side of each runway which is parallel to and level with the runway centerline. These parallel lines are at a horizontal distance of 500 feet from the northwest-southeast runway centerline and 250 feet from the north-south and east-west runway centerlines. Transitional surfaces also extend from the edges of all approach zone surfaces, described in sections 4-137 and 4-138, upward and outward to the intersection with the horizontal surface or the conical surface. Those portions of the instrument approach zone surfaces which project through and beyond the limits of the conical surface are bounded on either side by transitional surfaces extending a distance of 5,000 feet, measured horizontally, from the edge of the instrument approach zone surface and at right angles to the extended runway centerline. (Code 1971, § 32-113)

Sec. 4-140. Projection above horizontal surface of zones prohibited.

In addition to the height limitations otherwise provided in this division, no obstruction shall project above the horizontal surface in any of the zones described in section 4-116 et seq. (Code 1971, § 32-114)

Secs. 4-141-4-155. Reserved.

DIVISION 6. RESTRICTIONS ON USE OF LAND AND NONCONFORMING USES

Sec. 4-156. Prohibited uses of land.

Notwithstanding any other provisions of this article, no use may be made of land in any of the zones described in section 4-116 et seq. in such a manner as to create electrical interference with radio communications between aircraft and ground stations, make it difficult for operators of aircraft to distinguish between lights on the airport intended for aid in landing or taking off thereat or in aerial navigation and other lights, result in glare to the eyes of the operators of aircraft using the airport, impair visibility in any of the zones or otherwise make hazardous the landing or takeoff of aircraft at the airport or the maneuvering of aircraft in connection with such landings or takeoffs; provided, however, that the mere height of trees or structures on any land in the zones conforming to the height restrictions prescribed in division 5 of this article shall not constitute a use of land in violation of this section. (Code 1971, § 32-121)

Sec. 4-157. Nonconforming uses.

The regulations prescribed in this article shall not be so construed as to require the removal, lowering, changing or altering of any nonconforming structure or tree, nor as to otherwise interfere with any nonconforming use of land, nor as to 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 Ordinance No. 1009, and which was diligently prosecuted and completed within one year from the date thereof; provided, however, that the owner of any nonconforming

structure or tree is hereby required to permit the cities of Waterloo, Iowa, and Cedar Falls, and the county, or any of them, at the expense of such cities or county, to install, operate and maintain thereon such markers and lights as shall be deemed by such cities or county to be necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. (Code 1971, § 32-122)