

KOSSUTH COUNTY BOARD OF SUPERVISORS RESOLUTION NO. 78-1

AND

CITY OF ALGONA ORDINANCE NO. 574  
AIRPORT TALL STRUCTURE ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE ALGONA MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF: DEFINING CERTAIN TERMS USED HEREIN: REFERRING TO THE ALGONA MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE: PROVIDING FOR ENFORCEMENT: ESTABLISHING AN AIRPORT ZONING BOARD: ESTABLISHING A BOARD OF ADJUSTMENT: IMPOSING PENALTIES: AND REPEALING ORDINANCES IN CONFLICT THEREWITH: SAID ORDINANCE OF THE CITY OF ALGONA AMENDING THE MUNICIPAL CODE OF 1978 BY ADDING A NEW ARTICLE 2 TO CHAPTER 5 TITLE VIII.

This Ordinance and Resolution is adopted pursuant to the authority conferred on the City of Algona and Kossuth County Supervisors by Iowa Statutes, Section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Algona Municipal Airport, and property or occupants of land in its vicinity. Accordingly, it is declared:

- (1) That the creation or establishment of an airport hazard is a public nuisance and an injury to the City/County served by the Algona Municipal Airport.
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that creation of airport hazards be prevented; and
- (3) That this should be accomplished, to the extent legally possible, by proper exercise of the police power; and
- (4) That the Prevention of the creation or establishment of airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the City of Algona and Kossuth County may raise and expend public funds, as an incident of the operation of airports, to acquire land or property interests therein.

IT IS HEREBY ORDAINED BY THE ALGONA CITY COUNCIL AND RESOLVED BY THE KOSSUTH COUNTY BOARD OF SUPERVISORS as follows:

SECTION I: SHORT TITLE

This Ordinance shall be known and may be cited as "The Algona Municipal Airport Height Zoning Ordinance".

For the purposes of the City of Algona Ordinance No. 574, this Ordinance amends the Municipal Code 1978 by adding a new Article 2 to Chapter 5 Title VIII of said code.

SECTION II: DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

- (1) AIRPORT - The Algona Municipal Airport.
- (2) AIRPORT ELEVATION - The highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be 1,219 feet.
- (3) AIRPORT HAZARD - Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen Code of Federal Regulations Sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23), and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct 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.

- (4) AIRPORT 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. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (5) AIRSPACE 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.
- (6) CONTROL ZONE - Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of 5 statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- (7) INSTRUMENT RUNWAY - A runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
- (8) MINIMUM DESCENT ALTITUDE - The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- (9) MINIMUM ENROUTE ALTITUDE - The altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (10) MINIMUM OBSTRUCTION CLEARANCE ALTITUDE - The specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.
- (11) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (12) VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

### SECTION III: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Algona Municipal Airport Height Zoning Map. A structure located in more than one (1) zone 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. Airport Height Zones

- A. Horizontal Zone - The land lying under a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by:
  - (1) Swinging arcs of 5,000 feet radii from the center of each end of the primary surface of runway(s) 18 and 36, and connecting the adjacent arcs by lines tangent to those arcs.
  - (2) Swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway(s) 12 and 30, and connecting

(VISUAL  
RUNWAY)

(INSTRUMENT  
RUNWAY)

the adjacent arcs by lines tangent to those arcs.

(NOTE: The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 feet arc is encompassed by tangents connecting two adjacent 10,000 feet arcs, the 5,000 feet arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

✕ No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Algona Municipal Airport Height Zoning Map.

B. Conical Zone - The land lying under 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. No structure shall penetrate the conical surface in the conical zone, as depicted on the Algona Municipal Airport Height Zoning Map.

C. Approach Zone - The land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (NOTE: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.)

(1) The inner edge of the Approach Surface is:

(VISUAL UTILITY RUNWAY) (a) 250 feet wide for Runway(s) 18 and 36.

(VISUAL OTHER THAN UTILITY RUNWAY AND NON-PRECISION INSTRUMENT RUNWAY) (b) 500 feet wide for Runway(s) 12 and 30.

(2) The outer edge of the approach zone is:

(VISUAL UTILITY RUNWAYS) (a) 1,250 feet for Runway(s) 18 and 36.

(NON-PRECISION INSTRUMENT UTILITY RUNWAYS) (b) 2,000 feet for Runway(s) 30.

(NON-PRECISION INSTRUMENT OTHER THAN UTILITY RUNWAYS) (c) 3,500 feet for Runway(s) 12.

(3) The Approach Zone extends for a horizontal distance of:

(ALL VISUAL & NON-PRECISION INSTRUMENT UTILITY RUNWAYS) (a) 5,000 feet at a slope of 20 to 1 for Runway(s) 18, 36 and 30.

(NON-PRECISION INSTRUMENT OTHER THAN UTILITY RUNWAYS) (b) 10,000 feet at a slope of 34 to 1 for Runway(s) 12.

No structure shall exceed the approach surface to any runway, as depicted on the Algona Municipal Airport Height Zoning Map.

D. Transitional Zone - The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the Approach Surfaces.

No structure shall exceed the Transitional Surface, as depicted on the Algona Municipal Airport Height Zoning Map.

E. No structure shall be erected in Kossuth County that raises the published Minimum Descent Altitude 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 Kossuth County.

#### SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of Section III, no use may be made of land or water within Algona or Kossuth County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Algona Municipal Airport or in the vicinity thereof.
- B. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Algona Municipal Airport.
- C. No operations from any use in the City of Algona or Kossuth County shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

#### SECTION V: LIGHTING

- A. NOTWITHSTANDING the provisions of Section IV, the owner of any structure over 200 feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding 949 feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.
- B. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Algona or Kossuth County at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

#### SECTION VI: VARIANCES

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations. 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 submitted to the Algona Municipal Airport Manager or Aeronautics Director for his opinion as to the aeronautical effects of such a variance. If the Algona Municipal Airport Manager or Aeronautics Director does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

#### SECTION VII: BOARD OF ADJUSTMENT

- A. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Algona Zoning Official or Kossuth County Zoning Official in the enforcement of this Ordinance; (2) to hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
- B. The Board of Adjustment shall consist of five (5) members appointed by the Algona City Council and Kossuth County Board of Supervisors and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years,

one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

- C. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the Office of the City/County Clerk, and on due cause shown.
- D. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.
- E. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.

#### SECTION VIII: JUDICIAL REVIEW

Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Iowa Statutes, Section 414.15.

#### SECTION IX: ADMINISTRATIVE AGENCY

It shall be the duty of the Zoning Officer (or Building Inspector) to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Officer (or Building Inspector) upon a form furnished by him. Applications required by this Ordinance to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Zoning Officer (or Building Inspector).

#### SECTION X: PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than 100 dollars or imprisonment for not more than thirty days; and each day a violation continues to exist shall constitute a separate offense.

#### SECTION XI: CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

#### SECTION XII: SEVERABILITY

If any provisions of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION XIII: REPEALER

All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION XIV: EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City of Algona and Kossuth County Supervisors and publication or posting as required by law.

Adopted by the Kossuth County Board of Supervisors this 1st day of May, 1978.

/s/ Lawrence Newbrough  
Lawrence Newbrough, Chairman  
Kossuth County Board of Supervisors

ATTEST:

/s/ Delores Dodds  
Delores Dodds,  
Kossuth County Auditor

PASSED BY THE COUNCIL this 10th day of May, 1978, and APPROVED this 10th day of May, 1978.

/s/ Harold Van Allen  
Mayor

ATTEST:

/s/ David A. Smith  
City Clerk

AUTHENTICATION

The foregoing Ordinance No. 574 which was passed and adopted by the City Council and approved by the Mayor on the 10th day of May, 1978 is hereby duly authenticated.

/s/ Harold Van Allen  
Mayor

ATTEST:

/s/ David A. Smith  
City Clerk

CERTIFICATE

STATE OF IOWA        )  
                          ) ss.  
COUNTY OF KOSSUTH )

I, David A. Smith, the duly appointed, qualified and acting City Clerk of the City of Algona, Iowa, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 574 which was passed, adopted and approved by the City Council of the City of Algona, Iowa, on the 10th day of May, 1978, and was duly authenticated by the signatures of the Mayor and the City Clerk of the City of Algona, Iowa on the 10th day of May, 1978. I further certify that said Ordinance was published in the Algona Upper Des Moines, a newspaper published weekly and printed in the English language and of general circulation in the City of Algona, Iowa which publication was on the 18th day of May, 1978.

Dated at Algona, Iowa, this 18th day of May, 1978.

/s/ David A. Smith  
City Clerk

(SEAL)