

Airport

ESTHERVILLE MUNICIPAL AIRPORT
AIRPORT TALL STRUCTURE ZONING ORDINANCE

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHTS OF STRUCTURES AND OBJECTS OF NATURAL GROWTH IN THE VICINITY OF THE ESTHERVILLE MUNICIPAL AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING APPROPRIATE BOUNDARIES REFERENCED BY THE ESTHERVILLE MUNICIPAL AIRPORT HEIGHT ZONING MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE AND PROVIDING FOR ENFORCEMENT AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred on the Emmet County Board of Supervisors by Iowa Statutes, Section 329.3. It is hereby found that an airport hazard endangers the lives and property of users of the Estherville 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 Estherville 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.

IT IS HEREBY ORDAINED BY THE EMMET COUNTY BOARD OF SUPERVISORS as follows:

SECTION I: SHORT TITLE

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

was as far as I know this one I said it was the original ordinance passed. He said this was not signed, but was still passed.

SECTION II: DEFINITIONS

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

- 1 AIRPORT - The Estherville 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 1,317 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 statutes 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 take-off 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 Estherville 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) 6 and 24, 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) 16 and 34, and connecting the adjacent arcs by lines tangent to those arcs.

(VISUAL
RUNWAY)

(INSTRUMENT
RUNWAY)

No structure shall exceed 150 feet above the established airport elevation in the horizontal zone, as depicted on the Estherville 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 on the conical zone, as depicted on the Estherville 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 RUNWAY)

(a) 250 feet wide for Runways 6 and 24.

(NON-PRECISION
INSTRUMENT
RUNWAY)

(b) 500 feet wide for Runways 16 and 34.

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

(VISUAL RUNWAYS)

(a) 1,250 feet for Runways 6 and 24

(NON-PRECISION
INSTRUMENT
RUNWAYS)

(b) 3,500 feet for Runways 16 and 34

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

- (ALL VISUAL RUNWAYS) (a) 5,000 feet at a slope of 20 to 1 for Runways 6 and 24
(NON-PRECISION INSTRUMENT RUNWAYS) (b) 10,000 feet at a slope of 34 to 1 for Runways 16 and 34

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

- E. No structure shall be erected in Emmet 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 Emmet County.

SECTION IV: USE RESTRICTIONS

Notwithstanding any other provisions of Section II, no use may be made of land or water within Emmet 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 Estherville 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 Estherville Municipal Airport.
- C. No operations from any use in Emmet 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

Cities of Estherville and Gruver and Emmet County at owner's 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 Emmet County 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 Estherville Municipal Airport Commission for their opinion as to the aeronautical effects of such a variance. If the Estherville Municipal Airport Commission 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: 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 VIII:- ADMINISTRATIVE AGENCY

It shall be the duty of the County Zoning Officer to administer the regulations prescribed herein. Applications for permits and variances shall be made to the County Zoning Officer 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 County Zoning Officer.

SECTION IX: 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 30 days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION X: 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 or structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION XI: 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 XII: 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, and EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the Emmet County Board of Supervisors and publication and posting as required by law.

Adopted by the Emmet County Board of Supervisors this 10th day of December, 1980.

Councilman Gesiriech introduced the following Resolution and moved its adoption. Councilman Lund seconded the motion to adopt. The Mayor called for a vote with the following results:

Ayes: Gesiriech, J. Sawyer, Ohlund, Pierson, Lund, H. Sawyer, Kateley--7
Nays: None--0
Abstain: None--0
Absent: None--0

WHEREUPON, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 415
RESOLUTION APPROVING THE ESTHERVILLE MUNICIPAL AIRPORT
HEIGHT ZONING ORDINANCE TO BE ADMINISTERED BY THE
EMMET COUNTY ZONING OFFICER

WHEREAS, the City of Estherville is the legal owner of the Estherville Municipal Airport, and

WHEREAS, it is in the interest of public health, public safety, and general welfare that the creation of airport hazards be prevented, and

WHEREAS, the Emmet County Board of Supervisors have adopted the Estherville Municipal Airport Height Zoning Ordinance authorizing the Emmet County Zoning Officer to administer such ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Estherville, Iowa, as follows:

That the City of Estherville, pursuant to the authority of Section 329.4, Code of Iowa, hereby approves the Estherville Municipal Airport Height Zoning Ordinance adopted by the Emmet County Board of Supervisors and authorizing the Emmet County Zoning Officer to enforce said ordinance.

PASSED, APPROVED AND ADOPTED this 5th day of January, 1981

Elmer Jacob
Elmer Jacob, Mayor

ATTEST:

Tom Noteboom II
Tom Noteboom II, City Clerk