

SECTION 6-34. PENALTY

Anyone violating any of the provisions of this article shall upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding one hundred dollars (\$100.00). (Ord. No. 449, Section 30, 10-27-69 )

SECTIONS 6-35 - - 6-49. Reserved.

ARTICLE III

AIRPORT ZONING

SECTION 6-50. SHORT TITLE

This article shall be known and may be cited as "Oelwein Municipal Airport Height Zoning Ordinance". (Ord. No. 547, Section 1, 9-27-76.)

SECTION 6-51. DEFINITIONS

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

1. Airport. The Oelwein Municipal Airport.
2. Airport elevation. The highest point of an airport's usable landing area measured in feet above mean sea level.
3. Airport hazard. Any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff 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 two hundred (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 the zones set forth in this article 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 in a circular area of five (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 twenty-two (22) miles of 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 an FAA approved airport layout plan, a military service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority. (Ord. No. 547, Section 2, 9-27.76.)

#### SECTION 6-52. 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 Oelwein Municipal Airport Zoning Height Zoning Map. A structure located in more than one 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:

##### AIRPORT HEIGHT ZONES

1. Horizontal zone. The land lying under a horizontal plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

A. Visual runway:

Swinging arc of five thousand (5,000) feet radii from the center of each of the primary surface or runways 18 and 36, and connecting the adjacent arcs by lines tangent to those arcs.

B. Instrument runway:

Swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of runways 13 and 31, and connecting the adjacent arcs by lines tangent to those arcs. When a five thousand (5,000) foot arc is encompassed by the tangents connecting two (2) adjacent ten-thousand foot arcs, the five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

No structure shall exceed one hundred and fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Oelwein Municipal Airport Height Zoning Map.

2. 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 four thousand (4,000) feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Oelwein Municipal Airport Height Zoning Map.

3. 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.

A. The inner edge of the approach surface is visual other than utility runway and non-precision instrument runway: Five hundred (500) feet wide for runways 31 and 13 and 18 and 36.

B. The outer edge of the approach zone is:

Visual other than utility runway:

1. One thousand five hundred feet for runways 18, 36 and 31.

Nonprecision instrument runway:

2. Three thousand five hundred feet for runway 13.

C. The approach zone extends for a horizontal distance of:

All visual runways:

1. Five thousand (5,000) feet at a slope of 20 to 1 for runways 18, 36 and 31.

Nonprecision instrument runway:

2. Ten thousand (10,000) feet at a slope of 34 to 1 for runway 13.

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

4. 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 Oelwein Municipal Airport Height Zoning Map.

5. General prohibition. No structure shall be erected in Fayette 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 Fayette County. (Ord. No. 547, Section 3, 9-27-76.)

#### SECTION 6-53. USE RESTRICTIONS.

Notwithstanding any other provisions of section 6-52, no use may be made of land or water within fourteen thousand (14,000) feet of the Oelwein Municipal Airport in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. 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 Oelwein Municipal Airport or in the vicinity thereof.

2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of Oelwein Municipal Airport

3. No operations from any use in Oelwein shall produce electronic interference with navigation signals or radio communications between the airport and aircraft. (Ord. No. 547, Section 4, 9-27-76.)

#### SECTION 6-54. LIGHTING.

1. Notwithstanding the provisions of section 6-53, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal aviation Administration (FAA), Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this article and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit Oelwein 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. (Ord. No. 547, Section 5, 9-27-76; Ord. No. 742, Section 1, 11-28-83.)

#### SECTION 6-55. 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 article, may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of the application has been submitted to the Oelwein Municipal Airport manager or aeronautics director for his opinion as to the aeronautical effects of such a variance. If the Oelwein 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. (Ord. No. 547, Section 6, 9-27-76.)

#### SECTION 6-56. BOARD OF ADJUSTMENT.

1. There is hereby created a board of adjustment to have and exercise the following powers.

A. To hear and decide appeals from any order, requirement, decision, or determination made by the (airport zoning board/administrative agency) in the enforcement of this article;

B. To hear and decide special exemptions to the terms of this article upon which such board of adjustment under such regulations may be required to pass; and

C. To hear and decide specific variances.

2. The board of adjustment shall consist of five (5) members appointed by the city council, and each shall serve for a term of five (5) years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, one for a term of two (2) years, and one for a term of one (1) year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.

2. The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. 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 clerk, and on due cause shown.

4. The board of adjustment shall have the powers established in Iowa Statutes, section 414.12.

5. 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 article, or to effect variations of this article.

(Ord. No. 947, Section 7, -27-76.)

**SECTION 6-57. 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. (Ord. No. 547, Section 8, 9-27-76 )

**SECTION 6-58. ADMINISTRATIVE AGENCY.**

It shall be the duty of the Oelwein Airport Zoning Commission to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Oelwein Airport Zoning Commission upon a form furnished by him. Applications required by this article 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 Oelwein Airport Zoning Commission. (Ord. No. 547, Section 9, 9-27-76.)

**SECTION 6-59. PENALTIES.**

Each violation of this article or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one (1) year or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. No. 547, Section 10, 9-27-76.)

**SECTION 6-60. CONFLICTING REGULATIONS.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article 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. (Ord. No. 547, Section 11, 9-27-76.)