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Kelly L. Spees, Recorder, Jefferson County Iowa



Jefferson County Airport Tall Structures Ordinance

Recorder's Cover Sheet

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Between:

Jefferson County, Iowa
51 E. Briggs Ave.
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AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES,
AMENDING CHAPTER 5-30 ESTABLISHING THE JEFFERSON COUNTY AIRPORT
TALL STRUCTURES ORDINANCE

BE IT ENACTED BY THE JEFFERSON COUNTY BOARD OF SUPERVISORS THAT:

I. Amendment. The Jefferson County Code of Ordinances is amended by replacing Chapter 5-30 with the following, which states:

**“ Chapter 5-30. JEFFERSON COUNTY AIRPORT TALL STRUCTURES
ORDINANCE.**

SECTION 1: Short Title. This Ordinance shall be known and may be cited as the Jefferson County Airport Tall Structures Ordinance.

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

1. “Airport” – The Fairfield Municipal Airport.
2. “Airport Elevation”– The highest point of an airport’s usable landing area measured in feet from sea level, which elevation is established to be 801 feet.
3. “Airport Hazard”– Any structure or tree or use of land which would exceed the Federal Code of Regulations Section 77.17, Section 77.19 and Section 77.23 as revised July 21, 2010, and which obstructs the airspace required for the flight of aircraft and landing or take-off 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 specifically prepared hard surface, the primary surface extends 200 feet beyond either end of that runway. The surface widths vary with the classification of the runway; however, the width will be that width prescribed in Part 77 of the Federal Aviation Regulations, is uniform throughout, and is based on 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 detour shall be mean sea level elevation unless otherwise specified.
6. “Board of Adjustment” – A board consisting of five members as provided in Section 7 herein.
7. “Controlled Airspace” - A general term that covers the different classification of airspace (Class A, Class B, Class C, Class D, and Class E airspace) and defined dimensions within which air traffic control service is provided to both Instrument Flight Rule (IFR) and Visual Flight Rule (VFR) flights in accordance with the airspace classification. The specific

dimensions of each class are defined in the FAA Aeronautical Information Manual - Chapter 3, Section 2.

8. “Instrument Runway”- A runway equipped with electronic and visual navigation aids for which a precision or nonprecision approach procedure having straight-in landing minimums have been approved.
9. “Minimum Decent 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.
10. “Minimum en Route Altitude”- The lowest published altitude between radio fixes that ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
11. “Minimum Obstruction Clearance”- The lowest published altitude in effect between radio fixes on VOR airways, off airway routes, or route segments, that meets obstacle clearance requirements for the entire route segment and that ensures acceptable navigational signal coverage only within twenty-five (25) statute (twenty-two (22) nautical) miles of a VOR.
12. “Runway” – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
13. “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 service approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

SECTION 3: Airport Regulations Areas and Airspace Height Limitations. In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the horizontal area, conical area, approach area, and transitional areas as they apply to the Fairfield Municipal Airport. Such zones are shown on the Fairfield Municipal Airport – Airport Airspace Drawing. A structure located in more than one (1) area of the following areas is considered to be only in the area with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Airport Height Regulation Areas.
 - A. Horizontal Area – The land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

- i. Visual Runway – Swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of Runway 8 : 26 and connecting the adjacent area by lines tangent to those arcs.
- ii. Non-precision Instrument Runway – Swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface Runway 18 : 36 and connecting 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 arithmetic value. That value will be the highest determined for either end of the runway. When a five thousand (5,000) feet arc is encompassed by tangents connecting two adjacent ten thousand (10,000) feet arcs, the five thousand (5,000) feet arc shall be disregarded on the construction of the perimeter of the horizontal surface.)

- iii. No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal area, as depicted on the Fairfield Municipal Airport - Airport Airspace Drawing.
- B. Conical Area – The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airfield elevation. No structure shall penetrate the conical surface in the conical area, as depicted on the Fairfield Municipal Airport - Airport Airspace Drawing.
- C. Approach Area – 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.)
- i. The inner edge of the Approach Surface is:
 - a. Visual Utility Runway – Two hundred fifty (250) feet wide for Runway 8 : 26.
 - b. Visual Other than Utility Runway and Non-precision Instrument Runway (for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.** – Five hundred (500) feet wide for Runway 18 : 36.

**For a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways, the width increases to one thousand (1,000) feet. The Ultimate

visibility minimums for Runway 18 : 36 are three-fourths of a statute mile on the Data Tables sheet of the Fairfield Municipal Airport - Airport Layout Plan.

- ii. The outer edge of the approach area is:
 - a. Visual Utility Runway – One thousand two hundred fifty (1,250) feet for Runway 8 : 26.
 - b. Visual Other than Utility Runway – One thousand five hundred (1,500) feet for Runway 18 : 36.
 - c. Non-precision Instrument Other than Utility Runway, having visibility minimums greater than three-fourths of a statute mile – Three thousand five hundred (3,500) feet for Runways 18 and 36.
 - d. Non-precision Instrument Other than Utility Runway, having visibility minimums as low as three-fourths of a statute mile – Four thousand (4,000) feet for the Runways 18 and 36. (The Ultimate visibility minimums for Runway 18 : 36 are three-fourths of a statute mile on the Data Tables sheet of the Fairfield Municipal Airport - Airport Layout Plan).
 - iii. The Approach Area extends for a horizontal distance of:
 - a. All Visual and Non-precision Instrument Utility Runways – Five thousand (5,000) feet at a slope of twenty (20) to one (1) for Runways 8 and 26.
 - b. Non-precision Instrument Other than Utility Runways – Ten thousand (10,000) feet at a slope of thirty-four (34) to one (1) for Runways 18 and 36.
 - iv. No structure shall exceed the approach surface to any runway, as depicted on the Fairfield Municipal Airport - Airport Airspace Drawing.
- D. Transitional Area – The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extending at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the Approach Surfaces.
- i. No structure shall exceed the Transitional Surface, as depicted on the Fairfield Municipal Airport - Airport Airspace Drawing.
- E. No structure shall be erected in Jefferson County, Iowa 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 Jefferson County, Iowa.

SECTION 4: Use Restrictions. Notwithstanding any other provisions of Section 3, no use may be made of land or water within the City of Fairfield, Iowa or Jefferson County, Iowa in such 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 the Fairfield 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 the Fairfield Municipal Airport.
3. No operations from any use in the City of Fairfield, Iowa or Jefferson County, Iowa shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
4. Display fireworks within three (3) statute miles of any usable runway of the Fairfield Municipal Airport shall notify the Fairfield Municipal Airport of the location, date, and rain date of the display, at least ten (10) days prior to the display date.

SECTION 5: Lighting.

1. NOTWITHSTANDING the provisions of Section 4, 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 70/7460-1L, Change 2 and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter Six of FAA Advisory Circular 70/7460-1L, Change 2 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 the City of Fairfield, Iowa 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 airspace hazard.

SECTION 6: 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 6.4.

- 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 (75) 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 four thousand two hundred (4,200) feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) 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 areas 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 (75) 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.
 - i. 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 3.
 - D. It will be at the Airport Administrative Officer's discretion to determine if an FAA Obstruction Evaluation is required. The applicant shall be responsible for the cost of said analysis, if required.
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 Airport Administrative Officer determines that a nonconforming tree or structure has been abandoned or more than sixty (60) percent torn down, physically deteriorated, or destroyed, 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 otherwise 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 Fairfield Municipal Airport Manager and the Airport Administrative Officer for advice as to the aeronautical effects of the variance. If the Fairfield Municipal Airport Manager or the Airport Administrative Officer do not respond to the application within thirty (30) days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

SECTION 7: Board of Adjustment.

1. There is hereby created an airport 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 Airport Administrative Officer in the enforcement of this ordinance; (2) 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 (3) to hear and decide specific variances.
2. The Board of Adjustment shall consist of five (5) members, two (2) of whom shall be Jefferson County residents to be appointed by the Board of Supervisors of Jefferson County, Iowa, two (2) members of the Fairfield Airport Commission to be appointed by the City Council of Fairfield, and one (1) member of the Fairfield Airport Commission to be appointed by the membership of the Board of Adjustment. The terms of such members shall be as provided in Section 329.12 of the Iowa Code. Such board shall have the powers and duties, and shall follow the procedures, provided by Sections 329.11 and 329.12 of the Iowa Code.
 - A. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this ordinance. Meetings of the Board of Adjustment shall be held at the call of the chairperson and at such other times as the Board of Adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be 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 city clerk of the City of Fairfield, Iowa, and on due cause shown.
 - B. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this ordinance.

- C. The Board of Adjustment shall have the powers established in Iowa Statutes, Section 414.12.
- D. 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 the Airport Administrative Officer or decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect variance to this ordinance.

SECTION 8: 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 9: Administrative Agency. It shall be the duty of the Airport Administration Officer, who shall be the City Administrator of the City of Fairfield, Iowa, to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Administrative Officer upon a form furnished by the Planning and Zoning Department of the City of Fairfield. Applications required by this Ordinance to be submitted to the Airport Administrative Officer shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Airport Administrative Officer.

SECTION 10: Penalties. Each violation of this Ordinance or of any regulation, order or ruling promulgated hereunder shall constitute a simple misdemeanor, and shall be punishable by any and all penalties described in Jefferson County Home Rule Ordinance 1-20.

SECTION 11: Conflict 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 the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.”

II. Severability Clause. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this document, which are separable from the unlawful provision shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

III. Publication, Hearing, Approval, Adoption, and Filing of:

AN ORDINANCE AMENDING JEFFERSON COUNTY CODE OF ORDINANCES,
AMENDING CHAPTER 5-30 ESTABLISHING THE JEFFERSON COUNTY AIRPORT
TALL STRUCTURES ORDINANCE.

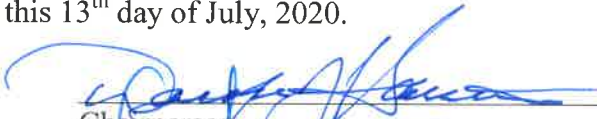
Public hearing notice published on June 11, June 18 and July 9, 2020 in The Southeast Iowa Union/Fairfield Ledger and Clarion-Plainsman.


First Reading on June 15, 2020.


Second Reading on June 29, 2020.

Third Reading on July 13, 2020.

Passed by the Board of Supervisors on this 13th day of July, 2020.

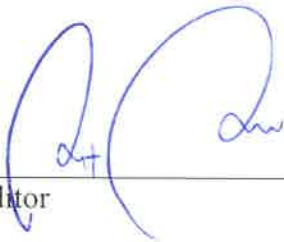


Chairperson


Supervisor


Supervisor

Attest:



County Auditor

Publication of full text on July 23rd, 2020, in
The Southeast Iowa Union/Fairfield Ledger and Clarion-Plainsman.