

SECTION 5-24. Deleted. (Ord. No. 1120, 6-26-2012.)

SECTION 5-25. PENALTIES.

1. Any person who shall violate any of the provisions of the fire prevention code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and non-compliance respectively, be guilty of a misdemeanor, punishable as provided in Section 1-8 of the Code of Ordinances, or alternatively guilty of a municipal infraction as provided in Section 1-10. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

2. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 431, Section 8, 7-24-67.)

SECTION 5-26. Deleted. (Ord. No. 817, 02-14-89.)

SECTION 5-27. Deleted. (Ord. No. 817, 02-14-89.)

SECTION 5-28. Deleted. (Ord. No. 817, 02-14-89.)

CHAPTER 6

AIRPORTS

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ARTICLE I

OELWEIN MUNICIPAL AIRPORT

SECTION 6-1. DEFINITIONS.

The following words and phrases when used in this chapter shall, for the purpose of the chapter, have the meanings respectively ascribed to them in this section:

“Aircraft” or “Airplane”. “Aircraft” or “airplane” means any contrivance now known, or hereafter invented, used or designed for navigation of, or flight in, the air, for the purpose of transportation of persons or property, or both.

“Airport”. “Airport” means the Oelwein Municipal Airport and all improvements and appurtenances contained thereon.

“Fixed base operator”. A “Fixed base operator” shall be any person who shall have entered into a written lease or agreement with the city and airport commission for the use of any building, shop, or hangar, and, who, by further agreement, guarantees to provide on the airport and serve the public with the following minimum facilities:

1. Aircraft maintenance and repair,
2. Aircraft sale and rental,
3. Assure availability of aircraft gasoline and oil. (Ord. No. 449, Section 1, 10-27-69; Ord. No. 742, Section 1, 11-28-83.

SECTION 6-2. BUILDING REQUIREMENTS AND GROUND RENTALS.

Any person desiring to erect or construct any building on the airport shall be required to submit plans and specifications for the same to the office of the city clerk. The plans shall also include a general layout, drawn to scale, showing the desired amount of ground actually required for the operation of such building in addition to the portion occupied by the building. Doors on all buildings shall be self-contained. No projection for the suspension or carrying of doors shall be permitted beyond the building line as established by the city.

All buildings erected upon the airport shall conform to the building code requirements of the city and be approved by the bureau of fire prevention. They must be of concrete masonry, metal, or other suitable and acceptable construction material, approved not only as to such material but also as to location at the airport by the airport commission.

When plans have been recommended by the airport commission and approved by the city council a lease may be then entered into at a rate prescribed by the airport commission and approved by the city council. (Ord. No. 449, Section 2, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-3. NON-LIABILITY OF CITY.

The permission granted by the city council to use the airport and its facilities, or to fly to, or over the same, shall be at all times conditioned upon the assumption of full responsibility therefore by every person exercising or taking advantage of such permission. It shall be a further condition thereof that each person, as a consideration for the use of the airport and for its facilities, shall at all times release, hold harmless and indemnify the city, its agents and employees from any and all responsibility, liability, loss or damage resulting to any such person, or cause by or on his behalf, and incident to the manner in which the airport is operated, constructed or maintained or served from within or without, or used from without. The use of the airport by any person for any purpose, or the paying of fees therefore, or the taking off or landing aircraft thereon, shall be itself an acknowledgement that such person accepts such privileges on the condition herein set forth. (Ord. No. 449, Section 3, 10-27-69.)

SECTION 6-4. CERTIFICATES OF AIRWORTHINESS AND COMPETENCY AND STATE REGISTRATION REQUIRED; EXCEPTIONS.

Only aircraft bearing a currently valid airworthiness certificate, and airmen holding a valid certificate of competency for the type of aircraft being flown, as issued by the Federal Aviation Administration of the Department of Transportation and aircraft and airmen registered with the Iowa Aeronautics Commission and in conformity with the laws of the state, shall operate on, from and over the airport; provided, however, that this restriction shall not apply to public aircraft of the federal government, or of a state, territory or possession, or of a political subdivision thereof, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. (Ord. No. 449, Section 4, 10-27-69.)

SECTION 6-5. NAVIGATION AND MAINTENANCE TO CONFORM TO FEDERAL AND STATE REGULATIONS.

No person shall navigate any aircraft over, land upon, or fly the same from, or service, maintain or repair any aircraft on the airport otherwise than in conformity with the requirements of the civil air regulations established by the Federal Aviation Administration of the United States, as amended, and such rules and regulations as may be enacted or amended by the aeronautics commission of the state. All such persons and said airport shall at all times comply with federal aircraft regulations and OSHA standards. (Ord. No. 449, Section 5, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-6. REPORT AS TO ACCIDENTS.

Witnesses of and participants in accidents on or near the airport shall be requested to report to the administration office as soon after accidents as possible, leaving their names and addresses and rendering such reports as may be required. (Ord. No. 449, Section 9, 10-27-69.)

SECTION 6-7. FIRST-AID KITS.

The operator of each shop shall provide and be responsible for the constant maintenance of a suitable first-aid kit. (Ord. No. 449, Section 10, 10-27-69.)

SECTION 6-8. REPORT OF UNSAFE OR HAZARDOUS CONDITIONS.

All persons using the airport shall report any unsafe or hazardous conditions on the airport to the airport commission or to the fixed base operator who shall notify the city of such hazard. (Ord. No. 449, Section 11, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-9. PILOT OR MECHANIC MUST BE IN COCKPIT.

No aircraft engine shall be started or run unless a licensed pilot or competent person is in the cockpit attending to the controls. (Ord. No. 449, Section 13, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-10. NOT TO BE RUN IN HANGARS.

No aircraft engines shall be run in the hangars. (Ord. No. 449, Section 14, 10-27-69.)

SECTION 6-21. RIGHT-OF-WAY OF LANDING PLANE.

The landing airplane has the right-of-way over airplanes moving on the ground, or taking off, and shall land so that any such aircraft is at least three hundred feet away in a lateral direction, but this shall not excuse the pilots of either or both such aircraft from the exercise of due care and diligence. (Ord. No. 449, Section 16, 10-27-69.)

SECTION 6-12. RIGHT-OF-WAY BETWEEN TWO LANDING PLANES.

If two planes are ready to land at about the same time, the one flying at the higher altitude shall maneuver to avoid the other, but this shall not excuse the pilot of either or both such aircraft from the exercise of due care and diligence. At all times any aircraft in distress shall have the right-of-way. (Ord. No. 449, Section 17, 10-27-69.)

SECTION 6-13. LANDING AT SAFE DISTANCE FROM HANGARS, BUILDINGS, ETC.

Airplanes shall land and take off at a safe distance from hangars and other buildings, obstacles, areas reserved for spectators, and parking spaces for automobiles. (Ord. No. 449, Section 18, 10-27-69.)

SECTION 6-14. TAKING OFF IN MANNER TO AVOID HANGARS, BUILDINGS, ETC.

Airplanes shall not take off over hangars, buildings, obstructions, automobile parking areas or groups of spectators, unless strictly unavoidable. (Ord. No. 449, Section 20, 10-27-69.)

SECTION 6-15. EXERCISE OF DUE CARE.

Every person is cautioned to exercise due care and diligence and to maintain strict adherence to the rules set forth in the preceding sections. (Ord. No. 449, Section 20, 10-27-69.)

SECTION 6-16. TAXIING IN OR OUT OF HANGARS PROHIBITED.

No airplane shall be taxied into or out of hangars. (Ord. No. 449, Section 21, 10-27-69.)

SECTION 6-17. OPERATION OF AIRCRAFT UNDER INFLUENCE OF INTOXICATING LIQUOR.

No person shall take any aircraft from the landing area or hangars, or operate the same while under the influence of or using or having personal possession of, intoxicating liquor. (Ord. No. 449, Section 22, 10-27-69.)

SECTION 6-18. ACQUAINTANCE OF STUDENTS WITH RULES; RESPONSIBILITY FOR STUDENTS.

All persons instructing student pilots in flying on the airport shall fully acquaint such students with the rules and regulations in effect on the airport and shall be responsible for the conduct of such students while under their instruction. (Ord. No. 449, Section 23, 10-27-69.)

SECTION 6-19. MANNER OF PARKING UNHOUSED AIRCRAFT.

All unhousted aircraft shall be parked in the space designated for this purpose and shall be firmly secured to the ground by ropes and stakes, or otherwise, when left unattended or during weather conditions which indicate the necessity therefore. Owners of such aircraft shall be held solely responsible for any damage resulting from failure to properly comply with this rule. (Ord. No. 449, Section 24, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-20. PARKING ON RUNWAY, TAXISTRIPS, ETC.

No airplane or other vehicle shall be parked on any runway, taxistrip, or any place other than the designated parking area. (Ord. No. 449, Section 25, 10-27-69.)

SECTION 6-21. MINIMUM INSURANCE REQUIREMENTS.

Each fixed base operator shall at his own expense carry and keep in full force and effect for the entire period covered by any written lease or agreement with the city and the airport commission, the minimum insurance on each of his aircraft engaged in air commerce from the Oelwein airport as required by Federal Aviation Regulations, and Civil Aeronautic Board Economic Regulations and any amendments to either or both of said regulations, currently requiring the following:

1. The minimum limits of liability coverage maintained by an air taxi operator who carries passengers in air transportation shall be:

A. Liability for bodily injury to or death of aircraft passengers. A limit for any one (1) passenger of at least seventy-five thousand dollars (\$75,000.00), and a limit for each occurrence in any one (1) aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars (\$75,000.00), by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

B. Liability for bodily injury to or death of persons (excluding passengers). A limit of at least seventy-five thousand dollars (\$75,000.00) for any one (1) person in any one (1) occurrence, and a limit of at least three hundred thousand dollars (\$300,000.00) for each occurrence.

C. Liability for loss of or damage to property. A limit of at least one hundred thousand dollars (\$100,000.00) for each occurrence.

2. Such fixed base operator shall also carry liability insurance naming the city and its officers and employees as additional insureds protecting the city from loss from each and every claim and demand of whatever nature made by or on behalf of any person or persons for any negligent, wrongful act or omission arising out of the use of the leased airport premises on the part of the fixed base operation lessee, his agents, servants, invitees and employees, such insurance to have limits of not less than the following:

A. One hundred thousand dollars (\$100,000.00) for personal injury to any one (1) person.

B. Three hundred thousand dollars (\$300,000.00) for personal injury in one (1) accident.

C. One hundred thousand dollars (\$100,000.00) for property damage. (Ord. No. 449, Section 26, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-22. HOURS OF OPERATION OF FIXED BASE OPERATORS.

The fixed base operator shall conduct operations so that the public and the airport are provided essential services throughout scheduled hours of operation as established by Resolution of the City Council. (Ord. No. 449, Section 27, 10-27-69; Ord. No. 742, Section 1, 11-28-83; Ord. No. 1120, 6-26-2012.)

SECTION 6-23. PENALTY FOR VIOLATION OF CHAPTER.

Any person operating or handling any aircraft in violation of any of the provisions of this article, or refusing to comply therewith, may be promptly removed or ejected from the airport by or under the authority of the city council or airport and may be deprived of further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein. (Ord. No. 449, Section 28, 10-27-69; Ord. No. 742, Section 1, 11-28-83.)

SECTION 6-24. ENFORCEMENT.

All regularly constituted peace officers and the chief of police shall enforce this article. (Ord. No. 449, Section 29, 10-27-69.)

SECTION 6-25. 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 6-26 - - 6-40. Reserved.

ARTICLE II

IN GENERAL

SECTION 6-41. AIRPORT ZONING COMMISSION.

1. In order to exercise the powers granted by Chapter 329 of the Code of Iowa, entitled “Airport Zoning” and to enact, administer and enforce zoning regulations in connection with airport hazards in the area of the Oelwein Municipal Airport, there is hereby established an Oelwein Airport Zoning Commission to adopt, administer and enforce zoning regulations in connection with such airport hazards at the Oelwein Municipal Airport, and for the purpose of preventing such airport hazards as may be appropriate in the area in question.

2. As authorized by Section 414.6 of the Code of Iowa, the Oelwein Plan Commission as created under Section 3-111 of the General Ordinances of the City of Oelwein, adopted July 28, 1969, under and pursuant to the provisions of the Code of Iowa and all amendments thereto, with membership therein as provided in Section 3-111 of said General Ordinances of the City of Oelwein, and all amendments thereto is hereby appointed as such Oelwein Airport Zoning Commission. Such commission shall have the powers and duties enumerated in Chapter 329 and 414 of the Code of Iowa, and all ordinances of the City of Oelwein enacted pursuant thereto. (Ord. No. 535, Section 1 and 2, 3-8-76.)

SECTIONS 6-42 - - 6-49 Reserved.

ARTICLE III

AIRPORT ZONING