

Airport Use Ordinance

Approved by Douglas County voters on November 2, 2010

1. Definitions. For the purposes of this Chapter, the following definitions shall apply:

- A. **Airport** means the Minden-Tahoe Airport.
- B. **Airport Manager** means the person who is appointed by the Board to oversee operation of the Airport.
- C. **Airport Facility Directory** means the publication of the FAA which contains airport information on all public airports in the United States, including runway landing weights, runway lengths, use restrictions and other pertinent information for pilots.
- D. **Airport Master Plan** means the planning document for the Airport which was adopted by the Commissioners in 2008, and which may be updated as necessary.
- E. **Board** means the Douglas County Board of Commissioners.
- F. **CMGTW** means the FAA certified maximum gross takeoff weight for aircraft of a particular type.
- G. **County General Funds** means tax revenues received by the County that are not allocated to a specific fund for expenditure.
- H. **FAA** means the Federal Aviation Administration.
- I. **Overweight Aircraft** means aircraft with a CMGTW exceeding the weight bearing capacity of the Airport pavement, as disclosed in the then current Airport Facilities Directory.
- J. **Small Aircraft** means a small aircraft commonly operated for personal air transportation.
- K. **Sport Aviation Activity** means an aviation activity that is generally recognized as recreational in nature including, but not limited to Light Sport Aircraft or Sailplanes.

2. Limitations on Operational Use.

- A. Prior Permission. Except in the event of a declared and bona fide in-flight emergency, Overweight Aircraft may not land or take off from the Airport without prior permission from the Airport Manager. The Airport Manager may give landing permission to Overweight Aircraft only upon a reasonable and nondiscriminatory determination that such landing or landings are not likely to cause excessive cumulative damage to Airport pavement.

B. Weight Bearing Capacity. Aircraft owners and operators shall be responsible for knowing the CMGTW of their aircraft and for consulting the Airport Facilities Directory for information regarding the weight bearing capacity of Airport pavement. The Airport Manager shall assure that the weight bearing capacity of Airport pavement disclosed in the Airport Facilities Directory and other Airport documents is based on pavement testing under FAA approved methodologies.

C. Landing Fees. The Board shall by Resolution adopt reasonable landing fees for use of the Airport by Overweight Aircraft. In accordance with such Resolution, the Airport Manager shall assess a landing fee on each landing by Overweight Aircraft. Proceeds of such landing fees shall be placed in an Airport fund designated for repair or preventive maintenance of pavement at the Airport.

D. Civil Penalties. A civil penalty shall be assessed jointly and severally against any aircraft owner and pilot of an Overweight Aircraft that lands at the Airport without first having obtained permission from the Airport Manager under paragraph A of this section. For the first violation by any such aircraft owner and pilot the civil penalty shall be \$1,000. For the second violation by any such aircraft owner and/or pilot the civil penalty shall be \$2,000. For the third and any subsequent violation by any aircraft owner and/or pilot the civil penalty shall be \$2,500. Civil penalties shall be assessed and recovered in a civil action brought in the name of Douglas County by the Douglas County District Attorney. Funds recovered thereby shall be placed in an Airport fund designated for repair or preventive maintenance of pavement at the Airport. The Airport Manager shall also notify the FAA of any such violation.

E. Denial of Use of Airport. In the event any person has violated any provision of this ordinance three or more occasions within a five year period, then for a period of five years thereafter, such person shall be deemed a persistent violator and be denied permission to land at the Airport in an aircraft owned, borrowed, rented or leased by such person and denied the right to lease, rent or use space for any aircraft (including tie-down) at the Airport.

F. Exclusion of Aircraft for Violations. In the event an Overweight Aircraft has been operated in violation of any provisions of this ordinance on three occasions within a five year period, whether piloted by the same or different individuals, then it shall be presumed that future operations of said Overweight Aircraft will result in continued violations, and the Airport Manager shall thereafter deny said Overweight Aircraft permission for a period of five years to land, tie-down, or be based at the Airport provided, however, that a new owner, who has not operated the Overweight Aircraft or caused it to be operated in violation of this ordinance, shall be entitled to appeal such decision to the Airport Manager upon furnishing satisfactory evidence of a change in ownership of such Overweight Aircraft. Upon receiving such evidence, the Airport Manager shall restore all rights to said Overweight Aircraft.

G. Other Enforcement. The provisions of this ordinance may be judicially enforced by injunction or other relief deemed appropriate by any court of competent jurisdiction. The remedies described herein shall be cumulative, and, the election to

seek any remedy shall not be deemed to be a waiver of other remedies nor a bar to seek more than one remedy for the same violation of this ordinance.

3. Limitations on Airport Expansion. Except as required by law, or contractual requirements existing on the effective date of this ordinance, the following actions shall not be taken without first having been submitted to the electorate for their approval at the next general election:

A. Runways, Taxiways and Ramps. Extension or widening of existing paved runways; creation of any new paved runways except for sailplane operations consistent with the Airport Master Plan; performance of any work that would increase the current weight bearing capacity of the runways except as may minimally occur in the course of maintenance work; or strengthening of taxiways and ramps, except to the extent necessary to conform to the weight bearing capacity of the runways.

B. Funding. Submission of any applications to the FAA for grant funding, or use of the County's General Fund, for projects at the Airport which include, but are not limited to a permanent FAA control tower, precision landing system or passenger security systems, except for those projects pertaining to:

- (1) maintenance;
- (2) noise control;
- (3) activities necessary to maintain FAA standards for general aviation airports, including safety standards that do not increase Airport capacity in terms of number of aircraft operations or aircraft weight;
- (4) the preservation and rehabilitation of existing pavement infrastructure;
- (5) infrastructure in support of small aircraft and sport aviation activities.

C. Air Carrier Service. The Airport, the Board, or any person or entity under their control or authority shall not seek or obtain airport certification under Federal Aviation Regulations Part 139 for Air Carrier service at the Airport.

4. Limitations on Airport Noise.

A. Voluntary Curfew. A voluntary curfew shall be imposed on all aircraft operations from 10:00 p.m. to 6:00 a.m., except for operations necessary during this period for public health, safety or welfare. The Airport Manager shall take reasonable steps to encourage all local and transient aircraft operators to comply with this curfew.

B. Noise Reduction. The Airport shall take reasonable measures to pursue a Part 150 Noise Control and Compatibility Study in future FAA grant requests, to study and develop recommendations to reduce noise impacts of Airport operations.

5. Limitations on Airport Property Use. To the extent consistent with law and contractual requirements existing on the effective date of this ordinance:

A. Leases and Developments. No lease or development at the Airport shall be approved without prior environmental review if required by the FAA. The cost of such environmental review shall be born by the party requesting the lease or development, or by the Airport if the Airport Manager determines such a review is beneficial to the Airport.

B. Aviation Related Uses. All Airport land leases and subleases with aviation access shall limit the use of the leased land, and any buildings and hangars thereon, to aviation related uses only, and shall further require compliance with Airport plans, policies and regulations, as may be amended from time to time.

6. Airport Protection Zone. Through zoning and planning action consistent with the County Master Plan, the County shall establish an enhanced airport buffer zone around the Airport to maximize the protection and separation of residential uses, and incompatible commercial and manufacturing uses, from aviation uses and operations, in order to reduce negative environmental impacts and enhance safety.

7. Severability of Provisions. In the event any provision of this ordinance shall be determined to be invalid, illegal, or unenforceable by a court of competent jurisdiction, such invalidity, illegality or unenforceability shall not affect the other or remaining provisions.

8. Changing or Modifying Ordinance. No amendments to this ordinance shall be approved by the Board without prior approval by the voters of Douglas County at the next general election.