

CHAPTER 4 – AVIATION

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PART 1 - AIRPORT RULES and REGULATIONS

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Section 1. Terms and Definitions.

The following words, terms and phrases appearing in this Chapter shall have the meanings appearing below, unless the context establishes a different meaning:

Aeronautical Activity shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

Airport shall mean the Columbus County Municipal Airport (CPC), North Carolina.

Airport Board (Authority) shall mean the Columbus County Municipal Airport Authority, an advisory board appointed by the Columbus County Board of Commissioners and charged with overseeing the supervision of Airport activities.

Airport Manager shall mean the representative of the County having day-to-day oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Board, or otherwise designated by the County Commissioners.

Airport Owner shall mean Columbus County, as Airport Sponsor, as represented by the Columbus County Board of Commissioners.

Commercial Aeronautical Activity shall mean a person or business providing goods and services to the aviation public for which compensation is received.

FAA shall mean the Federal Aviation Administration.

Hangar shall mean a building providing shelter or enclosed space for the storage of aircraft or aircraft parts.

Lease shall mean an executed contract, in writing and enforceable by law, granting interests in property or the conduct of certain activities.

Motor Vehicle -shall mean any powered ground vehicle.

State shall mean the NCDOT -Division of Aviation (NCDOA).

Tenant shall mean a Person who leases or subleases real property and whose premises have access to the airport.

Through-The-Fence shall mean any use of the Airport public landing areas by any person offering aeronautical activity or by aircraft based on land adjacent to, but not a part of, the Airport property.

Section 2. Delegated Powers / Liability Exclusion / Compliance.

The Owner shall, at all times, have power to take such reasonable action as may be necessary to enforce these regulations, including contingencies not specifically mentioned by this Ordinance. The Airport Owner assumes no liability or responsibility for any loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind or other natural causes, nor does the Airport Owner assume any liability for injury or death to any person while on Airport property or while using any public or private facilities at the Airport.

- A. Compliance -All persons on, and users of, the Airport shall comply with and be governed by these Rules and Regulations. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the user thereof, and shall release and hold harmless and indemnify the Airport Owner, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.
- B. Failure to Comply - Any person violating this Ordinance may be subject to pertinent deprivation of use of the Airport facilities for such period of time as may be deemed necessary by the Owner, or legal representation.

- C. Enforcement - These Airport Rules and Regulations, as well as all applicable state laws and County ordinances, shall be enforced by the County and/or law enforcement officers appointed pursuant to law.

Section 3. Airport Leases.

The Airport Owner may lease Airport property in accordance with the approved Airport Layout Plan (ALP). All construction by any person must be authorized by the County, or designated agent, and comply with applicable land use regulations and building codes.

- A. Lease Records: Any person, hangar tenant and/or commercial aviation operators conducting business at the Airport must have an executed lease agreement or contract with the Airport Owner. Such persons shall retain and become familiar with the current Airport Rules and Regulations.
- B. Airport Lease / Erection of Buildings or Structures: Any person desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Owner for review and approval. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The County Board, prior to construction, shall submit this information to the NCDOT Division of Aviation/FAA for review and airspace determination. Buildings shall meet all building codes and development ordinances. All such building permits, licensing and environmental certifications shall be obtained by the person prior to construction. A certificate of occupancy must be obtained before the structure can be occupied. No Airport leases will be executed for a period in excess of twenty (20) years.
- C. Subleasing: Leased property may be subleased by the lessee only with prior written authorization or approval of the Airport Owner, or designated representative. Any person that subleases, assigns their lease, or rents to any person who then performs any commercial aeronautical activity on the Airport shall notify the Airport Owner of such tenant within ten (10) calendar days of such transaction.
- D. Leasehold Condition/Abuse of Property - Tenants are required to keep their premises clean and clear of all rubbish, junk, debris, disabled/dismantled aircraft, vehicles and unsightly objects. No person shall construct, erect or store facilities, equipment or materials in a manner as to constitute a hazard to persons or property, or that could interfere with the safe movement of aircraft. Garbage, refuse, chemicals, or other waste material shall be placed in appropriately approved receptacles used to dispose of off Airport property. No person shall, in any way, destroy, remove or disturb buildings, signs, equipment, markers or other property

on the Airport. The borrowing or use of Airport-owned tools or equipment must receive prior permission from the Airport Owner.

- E. Through-the-Fence: Through-the-fence operations may negatively impact the Airport's compliance with Federal Grant assurances. The Airport Owner is not obligated to make the Airport available for the use and benefit of the public by operations from adjacent properties. Accordingly, through-the-fence operations or arrangements are not permitted.
- F. Right-of-Entry: The County Administrator, Airport Manager, Fire Chief, or other designated County agents shall have reasonable right-of-entry into all areas of the Airport, including enclosed structures.
- G. Solicitation: No person shall solicit funds nor post commercial-related signs or advertisements at the Airport without written permission of the Airport Owner, or designated representative.
- H. Abandonment: No person may abandon vehicles, equipment, aircraft or parts on the Airport property. The Airport Owner, or designated representative, has the right following due written notice to the owner after 90 days to have such equipment removed and/or disposed of without liability. The last registered owner of the equipment shall be liable for all costs incurred in the disposal of such property.

Section 4. Motor Vehicle Regulations.

- A. Unless authorized by the Airport Manager, no highway or automotive vehicle shall be operated on the Airport except on roadways, parking area, et cetera, that are specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the Airport Manager while on the Airport and as indicated by posted signs.
- B. All persons shall park in areas designated by the Airport Manager.
- C. The area adjacent to the Administrative building is designated a temporary parking zone.
- D. When aircraft are parked on the ramp or apron for the purpose of loading or unloading, no vehicle shall be drive between the aircraft and the loading gate or fence.
- E. Motor vehicles shall not be permitted on the runways, taxiways, aprons, or ramps (aircraft movement areas) without the express permission of the Airport Manager, unless the operation of such vehicle is in accordance with prior agreement to accomplish a necessary Airport purpose, service or inspection. No motor vehicle may operate on the runway while an aircraft is preparing for or conducting a takeoff or landing.

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- F. All vehicles operating within the landing area shall have mounted yellow flashing lights, and/or be painted a bright yellow or international orange, and/or display an international orange and white checkered flag of not less than three (3) square feet, with one-foot squares. Motor vehicles operating on the runway must monitor the designated common traffic frequency channel (CT AFIUNICOM).
- G. No vehicle shall exceed a speed of 15 mph while on the apron, and 45 mph while on the taxiway and runway system.
- H. Pedestrians or motor vehicle operators observed in areas other than public use areas without authorization by the Airport Owner will be considered trespassing and may be subject to arrest.
- I. Any vehicle parked in violation or abandoned may be towed by the Airport Manager at the owner's expense, and without liability for damage which may result in the course of such moving.
- J. Any motor vehicle accident involving injury or property damage on the Airport shall be reported to the Airport Owner/Airport Board/Airport Manager no later than 24 hours after the accident occurred.
- K. No person shall operate any vehicle in a careless manner or negligent manner or in disregard for the safety of others, or in excess of posted speed traffic signs. All persons are required to carry liability insurance on all vehicles.

Section 5. Airport Operating Procedures.

- A. Air Traffic Rules: The air traffic rules and aircraft operations regulations of the FAA as in effect and all additions thereto are made a part of these airport rules and regulations fully as if set forth herein.
- B. Public Use: The Airport Owner may suspend or restrict Airport operations when deemed necessary in the interest of safety, or as otherwise restricted due to weather, construction development, national security, and "Acts of God". The Airport Owner has the authority to temporarily close the Airport by means of a NOTAM.
- C. Aircraft Emergency Transmitter: Should an aircraft's Emergency Locator Transmitter (ELT) accidentally be activated, and the pilot or owner unable to be contacted or respond, the Airport Manager shall take steps to tum-off the ELT.
- D. Parked Aircraft: No aircraft shall be parked or stored at the Airport except in areas for such use, as designated or instructed by the Airport Manager, or designated representative. All

aircraft not hangered shall be sufficiently secured at night and during inclement weather.

- E. Aircraft Engine Run-up: Aircraft engines shall be started and run up only in the place designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.
- F. Required Aircraft Relocation: At the direction of the Airport Owner, the operator, owner, or pilot of any aircraft on the Airport shall move the aircraft from the place where it is parked or stored, to any other place designated on the Airport. If the operator refuses to comply with the directions, the Airport Owner, through the Airport Manager/Airport Board, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.
- G. Aircraft Size & Weight: Airport operations by aircraft and/or other operating vehicles in excess of the published pavement strength shall require prior written permission by the Airport Manager, or designated County representative. Such operations will be evaluated on a case-by-case basis.
- H. Aircraft Registration: All aircraft based at the Airport shall be registered with the Airport Owner (pilot name, address, phone number, aircraft type, model, N-number).
- I. Aircraft Accident: In the event of an aircraft accident, the aircraft operator and/or owner shall promptly remove any disabled aircraft or parts hereof, subject to FAA/NTSB accident investigation. If unable, the Airport Manager may, in compliance with FAA and other governmental regulations, move damaged or wrecked aircraft and parts from aircraft maneuvering and operating areas. The pilot of an aircraft involved in an accident on or near the Airport causing personal injury or property damage shall immediately report such incident to the Airport Manager. In the event that the pilot is unable, the owner of the aircraft or the owner's agent shall submit an accident report to the Airport Manager within 24 hours, including 1) names of persons involved, 2) addresses, 3) phone numbers and 4) general description of the accident. Airport property damaged or otherwise destroyed by an accident or other activity shall be paid for by parties responsible.
- J. Detaining Aircraft: The Airport Manager shall have the authority to detain any aircraft for nonpayment of any charges due. All service and/or tie down fees are equally applicable to all aircraft as established by the Airport Owner.

- K. Taxiing Aircraft: No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area. No two aircraft shall occupy the runway at the same time. Aircraft waiting on the taxiway for another aircraft to takeoff or land shall remain behind the runway holding position markings. Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.
- L. Take-offs and Landings: All take-offs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas.
- M. Access Within Aircraft Operations Areas: No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by Airport attendants shall be permitted to enter the landing area property, taxi space, or aprons. However, this does not give any person or persons so excepted the privilege of unrestricted use of the Airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections, and routine duties.
- N. Special or Unique Airport Uses: Special use of the Airport shall be governed by the following:
1. Flying Events: No person or organization will engage in or promote any show, contest, demonstration or similar exhibition at or on the Airport without specific prior written authorization from the Airport Owner. Said request for authorization must be submitted at least ninety (90) calendar days prior to the event. Such permission shall not be given without appropriate FAA clearance or exemptions, nor without proof of an insurance policy for the event, which covers hazards and holds the Airport Owner harmless from any and all claims resulting from such events.
 2. Parachute Activity: Parachute jumps at or onto the Airport must receive prior consent from the Airport Owner. An FAA "NOTAM" shall be filed by the Airport Manager, or designated representative prior to any said parachute jumps.
 3. Agricultural Spray Activity: Aircraft agricultural spraying operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Airport Owner has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Airport Owner resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.

4. Model Aircraft: The flying of model aircraft at the Airport is prohibited. No person shall operate or release any model aircraft, rocket, kite, balloon, or other similar contrivance at or upon the Airport.

Section 6. Aircraft Fueling.

The following rules shall govern and control the fueling and de-fueling of aircraft and motor vehicles at the Airport:

- A. No fuel storage and dispensing equipment, whether publicly or privately owned, shall be installed and used at the Airport without the prior written approval of the Airport Owner. All equipment or storage used for the handling of fuels, whether 100LL, Jet-A or Avgas, shall fully comply with current National Fire Protection Association (NFPA) regulations and all applicable local, state or national regulations. Aircraft authorized by the FAA to use automobile gas shall be fueled in outside areas, unless the aircraft cannot be moved due to maintenance reasons.
- B. No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a non-designated area.
- C. During all fueling operations the aircraft shall be grounded by an approved method.
- D. No person shall engage in aircraft fueling operations without adequate fire extinguishers within ready reach.
- E. Smoking or lighting of an open flame shall be prohibited, at minimum, within one hundred feet (100') of any fueling operation.
- F. Aircraft fuel dispensing trucks must be appropriately registered with the State, and parked at least fifty feet (50') from any hangar or building.
- G. All fuel dispensing equipment shall be of a modern design and shall be kept in a safe and non-leaking condition.
- H. Any person involved with an accidental release of fuel or fuel contamination situation must immediately contact the Airport Manager and notify the: 1) type of fuel, 2) spill location, 3) quantity of fuel released, and 4) time of spill. If requested by the Airport Manager, a written report shall be filed by the responsible persons within seven (7) calendar days of the spill. Persons responsible for a spill will be accountable for any assessed fines and spill liability, including clean-up as prescribed by regulatory agencies.

Section 7. Fire Procedures.

- A. Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty feet of any aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations, and tank farms.
- B. No person shall start an open fire any place on the Airport without permission of the Airport Owner.
- C. No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the airport. Unless authorized by the Airport Owner, the storage of paint thinners, fuels, or other such combustible materials in hangars or hangar areas is prohibited.
- D. Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in good condition as recommended by the Airport Manager and inspected at least every twelve months by trained personnel.
- E. Any changes to the hangar electrical system must receive prior authorization from the Airport Owner. At a minimum, extension cords must be of the grounded type and are for temporary use only.
- F. Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, old aircraft and vehicles, and any other unsightly objects. If after warning by the Airport Owner the area is not cleaned, cleaning will be done by the Airport Owner and billed to the responsible tenant or person.

Section 8. Aircraft Maintenance.

- A. The Airport Owner reserves the right to designate areas for performing major and minor aircraft and engine repair and maintenance, including immobilized aircraft. Major engine, airframe, avionics or aircraft apparatus repairs shall be conducted by a properly licensed mechanic, and shall be performed within an enclosed hangar designated for such purposes. All minor preventative aircraft maintenance and repairs authorized by FAR Part 43, Maintenance, Preventative Maintenance Rebuilding and Alteration shall be performed in the owner's hangar or designated hangar for such purposes. If required, minor aircraft adjustments or repairs may be performed outside of hangars, at places assigned or designated by the Airport Manager. Any engine work requires the use of adequate drip pans. Spent oil, fuels, and lubricants must be disposed in appropriate containers.
- B. Persons in violation of these rules can be subject, at the discretion of the Airport Owner, to

finest, payable to the Airport Owner for purposes of Airport use.

Section 9. Airport Security.

A. Security Requirements Regulated by the Airport Owner or their agents:

1. Restricted areas are established for safety and security reasons. Except for passenger enplaning or deplaning of aircraft, the general public is prohibited from the areas of the airport posted as being RESTRICTED AREAS.
2. Only flight crews, passengers going to and from aircraft, aircraft service and maintenance technicians, FAA, Fire Fighting personnel, and others authorized by the Airport Owner, shall be permitted into the RESTRICTED AREAS.

B. Security of Aircraft and Airport Operations Area

1. A breach in security caused by a user or person that results in an FAA finding of negligence will be cause to review, find, and possibly cancel or curtail tenant access to the RESTRICTED AREAS.

C. Weapons

1. No person will carry a weapon on the Airport except encased for appropriate transport in an aircraft. Federal, state, and local law enforcement officers are exempt from this rule.

Section 10. Conflicting Regulations, Violation, Changes.

Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Airport Owner, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.

- A. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.
- B. Any published FAA Federal Aviation Regulations shall become effective as part of this Ordinance without requiring any action on the part of the Airport Owner /County Board.
- C. A copy of these Rules and Regulations and any adopted changes will be available at the

County office.

Section 11. Enactment.

The ordinance establishing the provisions of this Part was passed by the Board of County Commissioners on December 05, 2005, upon motion by Commissioner McKenzie, seconded by Commissioner Prevatte, and passed unanimously, and recorded in the Minutes of the said meeting, Minute Book 29, Pages 159 -165.

PART 2 – COMMERCIAL ACTIVITIES

Columbus County, a Municipal Corporation of the State of North Carolina, hereby adopts and approves the following Minimum Standards Ordinance for conducting commerce at Columbus County Municipal Airport located in Columbus County, North Carolina. The Airport is owned and operated by Columbus County. Administration and enforcement of the terms of the Airport Minimum Standards shall be delegated at the discretion of Columbus County.

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Section 1. Terms and Definitions.

The terms hereinafter used shall have their meanings defined in Chapter 1 of this Code of Ordinances; Chapter 4 - Part 1; and defined as follows:

Air Charter shall mean an FAA certified commercial operator providing on-demand, non-scheduled service of persons or property for hire.

Commercial Aeronautical Operator (Operator) -Fixed Base Operator (FBO) / Special Aviation Service Organization (SASO) / Independent Operators (IO) shall mean a person or aeronautical business offering or supporting general aviation services.

Exclusive Rights shall mean excluding a Person from enjoying or exercising privileges conferred on one or more parties by excluding others by unreasonable standards or requirements.

Section 2. Regulations Governing Fixed Base Operators (FBO) / Special Aviation, Service Organizations (SASO) and Independent Operators (IO).

No commercial enterprise of any kind or type shall conduct commercial aeronautical activities on or at the Airport unless specifically authorized in writing by the Airport Owner. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the Operator thereof, and shall release and hold harmless and indemnify the County, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.

- A. FBO/SASO/IO Commercial Designation: In all cases, the Airport Owner will determine if the aeronautical activity qualifies as a commercial aeronautical activity. If determined to be commercial, the person or business shall conform to the requirements of Columbus County Municipal Airport 'Minimum Standards for Commercial Activities. '
- B. FBO/SASO/IO Compliance: All Fixed Base Operators (FBO), Special Aviation Service Organizations (SASO) and Independent Operators (IO) shall comply fully with this Ordinance, and applicable regulations contained in Columbus County Municipal Airport 'Rules & Regulations', as adopted and amended.
- C. FBO/SASO/IO Discrimination: No person shall be denied service because of their race, national origin, or gender. The Operator shall offer and provide services in accordance with the provisions of Title VI of the Civil Rights Acts of 1964 (P.L. 88-352). Accordingly, no person shall be denied equal services on the ground of race, color, or national origin in accordance with Regulation DOT Part 21.

Section 3. General Regulations Governing Minimum Standard Requirements.

The operating standards outlined below are the minimum threshold requirements for Commercial Aeronautical Operators (Fixed Base Operator, Special Aviation Service Organization, and/or Independent Operators) as a condition of the Operator's right to lease premises and provide services on and at the Airport. The following shall apply to all prospective Operators, as disclosure of adequate intent and resources to offer or conduct commercial aeronautical activity at the Airport:

- A. Prior to initiating operations or providing services at the Airport, Operators must be a party to a fully-executed lease or rental agreement with the Airport Owner.
- B. Any executed agreement or lease with an Operator shall be subordinate to the provisions of any existing or future Airport property agreements or grant assurances relative to the operation or maintenance of the Airport, as agreed between the County and the United States Government and/or State of North Carolina.
- C. The Operator ground lease or operating agreement shall not include any of the airfield or taxiway systems as specified by FAA Order 5100.38B, Section 526.
- D. No Airport land or building space in excess of present and foreseeable Operator requirements shall be leased to any Operator. Any additional land may be made available on the basis of need and availability. Although Airport land designated or leased for Operator activities is limited and valued, nothing contained herein shall be construed to grant or authorize the granting of an exclusive right as forbidden by Section 308 of the Federal Aviation Act of 1958.
- E. Operators must comply with applicable regulations set forth by local, state and federal agencies. The Operator shall post, in a prominent place, all necessary or required licenses or permits.
- F. The Operator must establish an office at the Airport for public availability, and for public access to staff, facilities and equipment offered by the Operator Office hours shall coincide with attended hours of Airport operation as published in the Airport Facility Directory, unless stated otherwise in the Operator lease agreement.
- G. The rates, charges and prices assessed by the Operator may be requested, and must be divulged, to the Airport Owner upon written request, including any discounts, rebates or other similar type price reductions.
- H. Operator shall have the right to choose, at its sole discretion, its vendors and suppliers.

Operator reserves the right, at its sole discretion, to grant others certain rights and privileges upon the Airport which are identical in part or in whole to those granted to Operator

- I. The distribution or sale of fuel on or at the Airport is authorized only with the express prior written approval of the Airport Owner. No Operator may sell or distribute aviation petroleum products at the Airport unless having the prior written approval of the Airport Owner, and having met the minimum standards found in Section 8 of this Part.
- J. Operations such as UNICOM radio, aircraft tie-down and other miscellaneous aeronautical activities not specifically described herein may be provided or conducted by any Operator upon application to and approval of the Airport Owner. Reasonable terms and conditions for the privilege of engaging in these various services will be established or determined by the Airport Owner as commensurate with the nature and scope of the activities involved.
- K. Failure or inability of the Operator to meet the Airport Minimum Standards shall be reported in writing to the Airport Owner, without delay.

Section 4. Construction.

Proposed Construction/Capital Improvements: Any Operator desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Owner for review and approval. No such approval shall be granted unless such construction and design is consistent with the most current Airport Layout Plan (ALP) drawing. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The County Commissioners, prior to construction, shall submit this information to the NCDOT, Division of Aviation /FAA for review and airspace determination.

- A. Before construction of facilities and equipment is undertaken, the Operator must furnish the Airport Owner with a performance bond commensurate with the construction costs to be performed.
- B. The building structure shall be constructed in accordance with North Carolina Building Codes and National Fire Protection Association (NFPA) standards.
- C. All such building permits, licensing and environmental certifications shall be obtained by the Operator prior to construction. A certificate of occupancy must be obtained before the structure can be occupied.

- D. No Operator shall erect advertising or vendor signs at the Airport without express written permission of the Airport Owner.

Section 5. Staffing and Employment Conditions.

The Operator must ensure that all of its employees meet physical requirements and mental competency necessary to carry-out the employee's job tasks in a safe manner.

- A. Operators shall furnish prompt service adequate to meet all reasonable demands for its services at the Airport. All service offered by the Operator shall be provided to persons on a fair, equal and non-discriminatory basis.
- B. The Operator shall appoint a qualified person (Operations Manager) stationed at the Airport, a position vested with full-power and authority to act in the name of Operator. The Operations Manager shall be available to the Airport Owner for routine communication and coordination, and shall attend official County meetings, as required or necessary. If absent, a duly authorized subordinate shall be in charge and available to the County.
- C. Operator personnel shall hold all necessary FAA certificates and ratings as required to carry-out the nature of their services, and shall maintain such certificates and ratings, as appropriate.
- D. The Operator shall provide, at its sole expense, a sufficient number of qualified employees and resources to provide safe and effective services. It shall be the responsibility of Operations Manager to maintain close supervision over its employees. The Operations Manager shall control the conduct, demeanor and appearance of its employees.
- E. The Operator is responsible for informing and training its employees as to the current contents of the Airport Minimum Standards and Airport Rules and Regulations, and applicable portions of the Operator lease agreement with the Airport Owner.

Section 6. Leasehold Conditions.

Operator lease terms shall be mutually agreed upon with due consideration for the financial investment and the need to amortize improvements to or on the leasehold. The Operator has the right to further improve and develop its leasehold area. Any plans by the Operator for leasehold improvements, modifications or like development shall be submitted, prior to initiating construction, to the Airport Board/County Commissioners for review and approval.

- A. No Operator leases or agreements will be executed for a period in excess of twenty (20) years.

- B. Operator leaseholds may be subleased by a lessee only with prior written approval of the Airport Owner, or designated representative.
- C. All improvements made by the Operator to their leasehold property become the property of the County upon termination of the Operator's leasehold for such areas or facilities.
- D. No new leases will be executed, amended or assigned unless the existing lease is in compliance with the standards and requirements contained herein.

Section 7. Insurance Coverage.

Unless otherwise approved or directed by the Airport Owner, each Operator shall furnish satisfactory evidence of, at minimum, the following Insurance coverage and conditions:

- A. \$1,000,000 Single Limit Airport Premises Liability, Bodily Injury and Property Damage.
- B. \$1,000,000 for Hangar Keeper's Liability, or otherwise as applicable.
- C. Aircraft Liability in an appropriate amount.
- D. Workmen's Compensation Insurance as required by the State of North Carolina.

The Airport Owner may choose, at their discretion, to modify insurance requirements on a case-by-case basis, depending on statutory and/or inherent risk factors. Operator insurance policies shall also declare the County as a named insured and shall contain a clause which shall provide that in the event Lessee's insurance coverage, or any part thereof, should be cancelled or materially changed, the County shall receive at least thirty (30) days prior written notice of such change.

Section 8. Required Minimum Standards for Commercial Aeronautical Activities.

As a practical matter, due to the surrounding circumstances that make such an arrangement necessary, Columbus County intends to provide any and/or all activities related to the sale and distribution of aviation fuel needed by the public at the Airport.

- A. The sale and distribution of fuel must be authorized with the expressed prior written approval of the Airport Owner. Any distributor or seller of fuels must comply fully with Columbus County Municipal Airport Rules & Regulations Ordinance, as adopted. The distribution or sale of fuels without prior written consent is a violation, and subject to prescribed penalties listed herein.

B. Fuel and Oil Sales. Persons conducting aviation fuel and oil sales on the Airport shall be required to provide:

1. All fuel systems must be capable of dispensing fuel directly into aircraft. Only properly trained personnel shall dispense fuel. In conducting refueling operations, the Operator shall install and use adequate grounding at fueling locations to eliminate the hazards of static electricity and shall provide types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.
2. The Operator shall provide at a minimum 100-Low Lead aviation fuel, and pending user demand, standard Jet -A fuel.
3. Hours of fuel dispensing must be publicly posted, with a contact employee for on-demand fuel required during hours of not in operation to the public.
4. Adequate storage and inventory of at least one (1) brand of generally accepted grade of aviation fuel, engine oil and lubricants.
5. If supplied by the Operator, a minimum of 8,000 gallons on-site aircraft fuel storage capacity, per grade of fuel. A minimum capacity of 500 gallons is required for any fuel truck storage vehicle used for aircraft refueling. All fuel storage tanks and vehicles must meet federal, state, and local regulations and shall be regularly inspected and maintained by the Operator.
6. The Airport Owner may prescribe a reasonable fuel flowage fee to be charged for all fuel sales or distributions, as specified in the Operator's lease agreement. Disclosure of Operator fuel sale quantities and revenues can be requested, and shall be furnished, to the Airport Owner upon written notice.

C. Aircraft Line Service.

1. Adequate towing equipment and parking and tie-down areas to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
2. Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows, and for recharging or energizing discharged aircraft batteries and starters.
3. Conveniently located lounge or waiting rooms for passengers and airplane crews of itinerant aircraft, together with sanitary restrooms and public telephones.

D. Hangar Storage:

1. Operators desiring to provide additional hangar storage rental will meet the following minimum floor space requirements for aircraft storage:
 - a) Lease at least 6,000 square feet for T-hangars.
 - b) Lease at least 3,000 square feet for common hangars.
2. An area of 600 square feet of office space, restrooms, and lounge which may be an adjunct to other buildings, must meet the North Carolina State Building Code Requirements.
3. Sufficient outside hose connections for washing of aircraft, and other purposes, such as washing ramps, watering shrubbery, et cetera, will be installed. Should any new building be constructed over 1,000 feet from an existing fireplug, a new plug shall be provided.

E. Aircraft Maintenance and Repair. All persons operating aircraft engine and accessory maintenance facilities shall meet the following provisions:

1. Sufficient equipment, supplies and spare parts to perform maintenance in accordance with FAA Part 145 'Certified Repair Station'.
2. Trained and uniformed personnel to sufficiently meet the demand for aircraft maintenance services. At least one (1) mechanic shall be a FAA certified Airframe & Power-plant (A&P) technician, available during established business hours. Contact for on-demand services shall be publicly posted at the Airport.
3. New maintenance hangars constructed by or for an Operator shall contain a minimum of 3,600 square feet of storage and/or floor space. Adequate shop space to house the equipment and adequate equipment. and machine tools, jacks, lifts, and testing equipment to perform top overhauls as required for FAA certification and repair
4. Suitable leased parking and/or storage space for aircraft awaiting maintenance or delivery after repair and maintenance has been completed.

F. Flight Training/Rental. Persons or Operators conducting flight training/aircraft rentals shall provide:

1. Flight instruction shall be provided by at least one properly FAA certified flight instructor with commercial certificate. Hours of availability and contact information must be publicly posted at the airport.

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2. At least one aircraft to be used for flight training and/or rental and additional types of aircraft as may be required to give flight training, check-outs, proficiency training and instruction of the kind as advertised.
3. Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
4. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair.
5. Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.
6. Adequate liability and property damage insurance sufficient to protect the operator and the County from legal liabilities involved. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight training activities commence.

G. Aircraft Charter and Taxi Service. Persons or Operators operating aircraft charter and taxi service shall provide:

1. Properly certified suitable aircraft with properly certified and qualified operating crew available for service when not otherwise engaged in such service.
2. Adequate building or office lease area for passenger and baggage processing.
3. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair
4. Passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$300,000. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight activities commence.

H. Aircraft Sales. Persons or Operators wishing to sell aircraft must provide:

1. At least one aircraft for sale.
2. Publicly posted hours of operation and contact numbers.
3. Office space sufficient to house operations.

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4. An FAA-certified pilot with a current commercial certificate for demonstration and aircraft transport.
 5. Passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$300,000. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight activities commence.
- I. Crop Dusting and Spray Operators. Persons or Operators seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Airport Owner that operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Airport Owner has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Airport Owner/County resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.
- J. Aircraft Painting: All operators offering commercial painting services must:
1. Provide a separate enclosed painting area of sufficient size to accommodate the largest anticipated aircraft to be painted. The facility must comply with local, state, and federal fire-code and environmental regulations. The Operator will provide proof of compliance and due diligence prior to commencing painting activities.
 2. Provide proof of insurance per the requirements found in Section 3. The Airport Owner has authority to require said operator(s) to post a bond adequate to cover, with the intent of mitigating, liability to the Airport Owner/County resultant from the intentional or accidental dispersion of chemicals or compounds of a hazardous nature.
- K. Through-the-fence Operators: Through-the-fence operations may negatively impact the Airport's compliance with Federal Grant assurances. The Airport Owner is not obligated to make the Airport available for the use and benefit of the public by operations from adjacent properties. Accordingly, through-the-fence operations or arrangements are not permitted.
- L. Flying Club/Association. A flying club, or similar organization, is recognized as a plan for joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such an aircraft. Such operation is not considered to be commercial in nature when so operated, nor is flight instruction by flying club members for flying other club members considered to be commercial in nature so long as there is not profit or for-hire motive involved in the operation. In all cases, the Airport Owner will determine if the operation is a commercial aeronautical activity. If determined to be commercial, the club or organization

shall conform to the requirements set forth herein for commercial aeronautical operators.

Section 9. Procedures for Receiving and Processing Applications.

- A. All Operators, as part of the application process, must show and demonstrate business and financial ability to the satisfaction of the Airport Owner. The County will not accept, or take action on, a request to lease building space or land area, or a request for assignment of an existing lease, or in any way permit the installation of a commercial aeronautical activity until after the applicant, in writing, submits a proposal, which clearly sets forth the scope and type of operations being proposed, including the following:
1. The name and address of the applicant;
 2. The proposed aeronautical operation or activity sought;
 3. The proposed land use and facility needs sought;
 4. The names and qualifications of the personnel to be involved in conducting the activity;
 5. The financial responsibility and technical ability of the applicant and operator to carry out said operations or activity, including historical evidence of satisfactory performance of previous similar;
 6. The tools, equipment, services, and inventory, if any, associated with the proposed activity;
 7. The requested or proposed date for commencement of the activity and the term conducting the same;
 8. The estimated cost of any structure or facility to be furnished, the proposed specifications for the same, and the means or method of financing such construction or acquisition of facilities;
 9. Other information the Airport Owner may require and specifically request.
- B. Only applications completed according to the requirements will be considered. Upon approval of any such application in principal, the Airport Owner, or designated agent shall prepare a suitable lease or contract agreement setting forth the terms and conditions under which the Operator shall be conducted. Any rejected application shall be returned to the applicant within thirty calendar (30) days of the rejection with a written explanation of the reasons for rejection. Candidates are invited to resubmit at their discretion.

Section 10. Lease Termination.

Any Operator or tenant who violates these minimum standards will be given written notice by the Airport Owner describing the violation and suggesting corrective action (hereafter referred to as a "notice of violation"). The tenant may be given a specified and reasonable time period to correct any violations. If the tenant does not correct the cited violation(s) in the prescribed manner and time, the tenant's lease and continued use of Airport facilities are subject to termination.

Section 11. Amendments, Conflicting Regulations, Violation, Changes.

- A. The minimum standards contained herein may be revised, supplemented, and/or amended by the County from time to time in such a manner as to reflect changes at the Airport and fairness and consistency to all existing and prospective future airport tenants.
- B. Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Airport Owner, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.
 1. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.
 2. Any published FAA regulation shall become effective as part of this Ordinance without requiring any action on the part of the Airport Owner. A copy of these Minimum Standards and any adopted changes will be available at the County office.

Section 12. Enactment.

The ordinance establishing the provisions of this Part was passed by the Board of County Commissioners on December 05, 2005 upon motion by Commissioner Norris, seconded by Commissioner Prevatte, and passed unanimously and recorded in the Minutes of the said meeting, Minute Book 29, Pages 166 -174.

PART 3 – AIRPORT HEIGHT HAZARDS

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Section 1. Short Title.

This Ordinance shall be known and may be cited as the "Columbus County Municipal Airport Height Hazard Ordinance." This attached map entitled Airport Property Map, dated 2005, shall be known and may be cited as the "Columbus County Municipal Airport Height Hazard Ordinance Map".

Section 2. Definitions.

The following words, terms and phrases appearing in this Chapter shall have the meanings appearing below, unless the context establishes a different meaning:

Administrator means the individual responsible for performing the administrative functions of this ordinance. The administrator shall be the County Administrator, unless otherwise designated or represented.

Airport means Columbus County Municipal Airport, North Carolina (CPC).

Airport Board (Authority) shall mean the Columbus County Municipal Airport Authority, an advisory board appointed by the Columbus County Board of Commissioners and charged with overseeing the supervision of Airport activities.

Airport Elevation means the highest Point of an airport's usable landing area measured in feet above sea level.

Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

Airport Manager shall mean the representative of the County having day-to-day oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Board, or otherwise designated by the County Commissioners.

Approach Surface means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 4 of this Ordinance. In plan, the perimeter of the approach zone.

Approach, Transitional, Horizontal, And Conical Zones - These zones are set forth in Section 11 of this Ordinance.

Board of Adjustment means the Board appointed by the Columbus County Board of Commissioners as provided in Chapter 10, Part 2, Article 4 of the Code of Ordinances.

Conical Surface means a surface extending outward and upward from the horizontal surface at a slope of 20 to 1 for a horizon distance of 4,000 feet.

Hazard to Air Navigation means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the height hazard map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway means a runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Nonconforming Use means any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.

Non-Precision Instrument Runway means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction means any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth in Section 4 of this Ordinance.

Precision Instrument Runway means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface means 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; for military runway or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The Width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway means a defined area on an airport prepared for landing and take-off of aircraft along its length. The runway end is defined by geodetic coordinates and elevation as noted on the Airport Height Hazard Ordinance Map.

Runway Ends: Refers to the planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the Airport Height Hazard Ordinance Map.

Structure means an object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

Tree means any object of natural growth.

Utility Runway means a runway that is constructed for and intended to be used by propeller driven aircraft or 12,500 pounds maximum gross weight and less.

Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures.

Section 3. Airport Zones.

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Columbus County Municipal Airport. Such zones are shown on the Airport Height Hazard Ordinance Map, which is attached to this Ordinance and made a part thereof. An area located in more than one 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:

- A. Primary Surface Zone: A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. Runway 6-24: 1,000 feet wide and extends 200 feet beyond each runway end.
- B. Approach Surface Zones: A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach surface coincides with the perimeter of the approach zone, extending per a boundary and slope defined below, and as shown on the Airport Height Hazard Ordinance Map.

Runway End

*Inner Width x Length x Outer Width
(Approach Length and Slope)*

Runway 6 approach surface zone: 1,000' x 10,000' x 3,500' (0'-10,000' @ 34:1)

Runway 24 approach surface zone: 1,000' x 50,000' x 16,000' (0'-10,000' @ 50:1)
(10,000' -50,000' @ 40:1)

- C. Transitional Zones: Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway and approach surfaces. The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation). Where the precision instrument runway approach zone extends beyond the conical zone, there is established height limits sloping 7: 1 measured upward and outward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline. The transitional surface zones are shown on the Airport Height Hazard Ordinance Map.

- D. Horizontal Zones: A plane, elliptical in shape, with a height one hundred and fifty (150) feet above the established airport elevation, or 250 feet mean sea level and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Columbus County Municipal Airport Height Restriction Ordinance Map.
1. Runway 6-24 horizontal radius: 10,000 feet.
 2. Runway 6-24 horizontal elevation: 150' above established Airport elevation.
- E. Conical Zone: A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20:1 for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface, to a height of 350 feet above the Airport elevation, or 450 feet above mean sea level (MSL). The conical surface zone is shown on the Airport Height Hazard Ordinance Map.

Section 4. Airport Environs Height Limitations.

Except as otherwise provided in, this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to growth in any zone created by this Ordinance to a height in excess of the applicable height limitations as hereby established for each of the zones in question. Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

Section 5. Use Restriction.

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in, glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

Section 6. Nonconforming Uses.

- A. Regulations Not Retroactive: The regulations prescribed in this Ordinance shall not be construed to require removal, lowering, or other change of alternation of any structure or tree not conforming to the regulations at the effective date of this Ordinance, or otherwise interfere with the continuation of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

- B. Marking and Lighting: Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the Columbus County Municipal Airport.

Section 7. Permits.

- A. Future Uses. Except as specifically provided in subsections 1-3 hereunder, no material change shall be 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 therefore 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 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 use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 7.D.
1. In the area laying 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 about height limits prescribed for such zones.
 2. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 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 prescribed for such approach zones.
 3. 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.

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 4.

- B. Existing Uses. No permit shall be granted that would allow the establishments 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 amends 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.
- C. Nonconforming Uses Abandoned or Destroyed. Whenever the Administrator or designated representative determines that a nonconforming tree or structure has been abandoned or more than 80 percent tom down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviated from the requirements of this Ordinance.
- D. Variance. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use proper, 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 North Carolina Department of Transportation, Division of Aviation (NCDOA) or Federal Aviation Administration (FAA) 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.
- E. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Columbus County Municipal Airport, at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 8. Enforcement.

It shall be the duty of the County Board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Administrator upon a form published for that purpose. Applications required by this Ordinance to be submitted to the Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Administrator.

Section 9. Board of Adjustment.

The Board of Adjustment shall be that board created in Chapter 10, Part 2, Article 4 of the Code of Ordinances.

Section 10. Administration, Enforcement and Appeals.

The Administration and Enforcement of this Part shall be as set forth in Chapter 10, Part 2, Article 3 of the Code of Ordinances

- A. Any person aggrieved, or any taxpayer affected by any decision of the Administrator in the administration of this Ordinance, may appeal to the Board of Adjustment.
- B. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the Administrator a notice of appeals specifying the grounds thereof. The County Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal shall stay all proceeding in furtherance of the appealed action unless the Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it that, by reason of the facts stated in the certificate, a stay would in the opinion of the Administrator cause imminent peril to life or property. In such cases, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Administrator and on due cause shown.
- D. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- E. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such other requirement, decision or determination as may be appropriate under the circumstances.

Section 11. Enactment.

Approved and adopted by the Columbus County Board of Commissioners on January 03, 2006, upon motion by Commissioner Jacobs, seconded by Commissioner Prevatte, and passed unanimously, and recorded in Minute Book 29.