

This Instrument Prepared by:

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**Ordinance
INSTRUMENT TYPE**

**City of Russellville
GRANTOR**

**Ordinance #2336
GRANTEE**



ORDINANCE NO. 2336

AN ORDINANCE TO MODERNIZE THE CURRENT AIRPORT ZONING TO CORRELATE TO THE CHANGES AT THE RUSSELLVILLE MUNICIPAL AIRPORT SINCE THE ORIGINAL AIRPORT ZONING IN 1987; REPEALING ORDINANCE NOS. 1243, 1264 AND 1272 AND FOR OTHER PURPOSES

WHEREAS, it is hereby found that obstructions have the potential for endangering the lives and property of users of Russellville Municipal Airport, and property or occupants of land in its vicinity; and,

WHEREAS, any obstruction may affect existing and future approach minimums of Russellville Municipal Airport; and that any obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Russellville Airport and the public investment therein. Accordingly, it is declared:

- (1) That the creation or establishment of any obstruction has the potential of being a public nuisance and may injure the region served by Russellville Airport;
- (2) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
- (3) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

WHEREAS, it is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land; and

WHEREAS, Ordinance Nos. 1243, 1264 and 1272 were passed in 1987 and circumstances have changed to the extent that portions of those ordinances no longer reflect the current conditions at Russellville Municipal Airport and that a new ordinance is needed to bring the regulations as outlined in those ordinances to match the current circumstances at Russellville Municipal Airport; and

WHEREAS, this Ordinance is adopted pursuant to the authority conferred by the Airport Zoning Enabling Act, Act 116 of 1941, of the laws of the State of Arkansas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, ARKANSAS, OF THE FOLLOWING:

SECTION 1: SHORT TITLE. This Ordinance shall be known and may be cited as the Russellville Municipal Airport Zoning Ordinance.

SECTION 2: INCORPORATION OF PREAMBLE. The preamble is incorporated herein as fully set forth above.

SECTION 3: DEFINITIONS. As used in this Ordinance, unless the context otherwise requires:

- (a) AIRPORT – means Russellville Municipal Airport.
- (b) AIRPORT ELEVATION – Established at 403.6 feet above mean sea level.
- (c) AIRPORT REFERENCE POINT – The airport reference point is established at the midpoint of the centerline of the runway pavement and is more particularly described as follows: Beginning at the northeast corner of the northeast ¼ of Section 14, T-7-N, R-20-W, thence west along the north boundary line of the said Section 14 a distance of 2,462.93 feet, thence south 1,572.05 feet to the midpoint of the centerline of the runway pavement, said midpoint also being the airport reference point.
- (d) APPROACH SURFACE – 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 5 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
- (e) APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in Section 4 of this Ordinance.
- (f) ~~BOARD OF ADJUSTMENT~~ A board established by the current City Zoning Code
- (g) CONICAL SURFACE – A surface extending outward and upward from the outer perimeter of the horizontal surface at a slope of thirty-four (34) feet horizontal for each one (1) foot vertical for a horizontal distance of 4,000 feet.
- (h) FEDERAL AVIATION ADMINISTRATION (“FAA”) – An agency of the United States Department of Transportation responsible for the regulation and oversight of civil aviation within the U.S., as well as operation and development of the National Airspace System. Its primary mission is to ensure safety of civil aviation.
- (i) HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
- (j) HEIGHT – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
- (k) HORIZONTAL SURFACE – A horizontal plane 150 feet above the established airport elevation. The outer perimeter of which in plan coincides with the outer perimeter of the horizontal zone.
- (l) NONCONFORMING USE – 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.

- (m) OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 5 of this Ordinance.
- (n) PERSON – An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
- (o) PRIMARY SURFACE – a surface longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway, or when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 4 of this Ordinance. The elevation at any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (p) RUSSELLVILLE MUNICIPAL AIRPORT – A complex of runways, hangars and buildings for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers located at 1759 Airport Rd, Russellville, AR, or approximately there to, organized and operating under A.C.A. §14-360-101 et seq. and A.C.A. §14-360-301 et seq., and is a department of the City of Russellville, Arkansas, and an instrumentality thereof.
- (q) RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (r) STRUCTURE – 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.
- (s) TRANSITIONAL SURFACES – These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each one (1) foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
- (t) TREE – Any object of natural growth.
- (u) VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 4: AUTHORITY TO ENACT. This Ordinance is enacted under the authority granted to the City of Russellville by the State of Arkansas under A.C.A. §14-363-201 *et seq.*

SECTION 5: 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 surface, and conical surface as they apply to the Russellville Airport. Such zones are shown on the Russellville Airport Zoning Map consisting of two (2) sheets of the same map with the second sheet is an enlargement of the first sheet which are attached to this Ordinance as Exhibit A and made a part hereof. An area located in more than one (1) 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) Utility Runway Visual Approach Zone – The inner edge of the approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- (b) Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.
- (c) Horizontal Zone – The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- (d) Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outwardly therefrom a horizontal distance of 4,000 feet.

SECTION 6: AIRPORT ZONE HEIGHT LIMITATIONS. Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- (a) Utility Runway Visual Approach Zone – Slopes thirty-four (34) feet horizontal for each one (1) foot vertical beginning at each end of and at the same elevation as the primary surface and extending a horizontal distance of 5,000 feet along the extended runway centerline, on both runway ends.
- (b) Transitional Zone – Slope seven (7) feet horizontal for each one (1) foot vertical beginning at the sides of and at the same elevations as the primary surface and the approach surfaces and extending to an elevation of 557 feet above mean sea level, which is a height of 150 feet above the established airport elevation.
- (c) Horizontal Zone – Established at 150 feet above the established airport elevation or at an elevation of 557 feet above mean sea level.
- (d) Conical Zone – Slopes thirty-four (34) feet horizontal for each one (1) foot vertical beginning at the outer perimeter of the horizontal zone and extending to an elevation of 757 feet above mean sea level which is a height of 350 feet above the established airport elevation.
- (e) Excepted Height Limitations – 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 7: USE RESTRICTIONS. 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 the 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 8: NONCONFORMING USES

- (a) Regulations Not Retroactive – The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.
- (b) Marking and Lighting – Notwithstanding the preceding provision 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 Russellville Municipal Airport, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall installed, operated, and maintained at the expenses of the Russellville Municipal Airport.

SECTION 9: PERMITS

- (a) Future Uses – Except as specifically provided in paragraphs (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. Each permit shall have contained with it an OE/AAA determination from the FAA. If such determination is in the affirmative, the permit shall be granted. ~~No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Section 8(d).~~
- (i) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five feet of vertical height above the ground, except when, because of terrain, land

contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

- (ii) 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 feet of vertical height above the ground, except when such tree or structure would extend above the height prescribed for such approach 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 5(e).

- (b) Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- (c) Nonconforming Uses Abandoned or Destroyed – Whenever the Russellville Municipal Airport determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn 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 deviate from the zoning regulations.
- ~~(d) Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Russellville Municipal Airport for a variance from such regulations. The application for variance shall be accompanied by an OE/AAA determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and, relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.~~
- (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 reasonable in the circumstances, be so conditioned as to require the owner of 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 City of Russellville, this condition may be modified to require the owner to permit the

Russellville Municipal Airport, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION 10: APPEALS. Any person may appeal a denial from the Russellville Municipal Airport of their permit application by submitting to the FAA under the OE/AAA for a re-evaluation. If the FAA approves the Applicant's submission, then the Russellville Municipal Airport shall grant the Applicant a permit.

SECTION 11: ENFORCEMENT. It shall be the duty of the City of Russellville, Arkansas, thru its department, the Russellville Municipal Airport to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Airport Department upon a form published for that purpose. Applications required by this Ordinance to be submitted shall be promptly considered and granted or denied.

~~**SECTION 10: BOARD OF ADJUSTMENT.** (a) The Board of Adjustment established by the City Zoning Code currently in effect shall be empowered by the City of Russellville under the authority of this Ordinance to have and exercise the following powers in addition to those already bestowed to it by the Zoning Code and other ordinances of the City:~~

- ~~(i) To hear and decide appeals from any order, requirement, decision or determination made by the Airport Department in the enforcement of this Ordinance;~~
- ~~(ii) To hear and decide special exceptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass;~~
- ~~(iii) To hear and decide specific variances.~~

~~(b) All notice, time and application requirements for filing an appeal, special exception or variance with the Board of Adjustment over the provisions of this Ordinance shall be the same requirements as in the current Zoning Code.~~

~~(c) The Board of Adjustment shall make written findings of facts upon which it acted and its legal conclusions when reversing, affirming, or modifying any order, requirement, decision or determination which comes before it under the provisions of this Ordinance.~~

~~(d) A majority of the whole number of the Board of Adjustment is needed to approve any vote taken by the Board of Adjustment.~~

SECTION 11: APPEALS.

- ~~(a) Any person aggrieved or any taxpayer affected by any decision of the Airport Department made in the administration of this Ordinance, may appeal to the Board of Adjustment~~

- ~~(b) Any party may appear at the Board of Adjustment meeting in person, by agent or by attorney.~~
- ~~(c) The Airport Department shall file with the Board of Adjustment any documents constituting the record upon action the action appealed from was taken. The party appealing the decision may also file with the Board of Adjustment any documents they believe are pertinent to the appeal of the action taken.~~
- ~~(d) An appeal filed with the Board of Adjustment shall stay all proceedings in furtherance of the action appealed from unless the Airport Department, certifies to the Board of Adjustment, after 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 Airport Department cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment or notice to the Airport Department and on due cause shown.~~

SECTION 12: JUDICIAL REVIEW. Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment may appeal to the Circuit Court of the appropriate jurisdiction.

SECTION 13: LIABILITY FOR DAMAGES. The degree of protection provided by this Code relative to aircraft operation, aircraft overflights, and compatible land uses is considered reasonable for regulatory purposes and is based on Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5300-13, Airport Design Standards, Federal Aviation regulations (FAR) Part 77, Objects Affecting Navigable Airspace; FAA Advisory Circular 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports; FAA Advisory Circular 150/5190-4A, A Model Zoning Ordinance to Limit Height of Objects Around Airports; FAA Advisory Circular 150/5020-1 Noise Control and Compatibility Planning for Airports; and FAA Land Use Compatibility and Airports, A Guide for Effective Land Use Planning. Therefore, this Ordinance does not apply that structures or land uses within the vicinity of the Russellville Municipal Airport will be totally free from aircraft noise impacts, aircraft operations, and aircraft overflights. Nor does this Ordinance create liability on the part of, or a cause of action against, the Russellville Municipal Airport, City of Russellville, Arkansas, or any officer or employee thereof, for incidents that may result from reliance on this Ordinance. This Ordinance shall not be construed to hold City of Russellville or its authorized representatives responsible for any damage to persons or property by reason of the inspection or re-inspection authorized in this Ordinance.

SECTION 14. PENALTIES. Violating any provisions of this Ordinance shall incur the following penalties:

- (a) Any person, business, or corporation who shall violate any of the provisions of this Ordinance or fail to comply thereafter with any of the requirements thereof, shall be guilty of a misdemeanor and shall be liable to a fine of not more than \$100.00 up to, but not exceeding:

- (i) One thousand dollars (\$1,000.00) for the first offense;
- (ii) Two thousand dollars (\$2,000.00) for the second offense;
- (iii) Four thousand dollars (\$4,000.00) for each subsequent offense after the second offense;
- (iv) Plus court costs and applicable fees.

(b) Each day such violation is permitted to exist shall constitute a separate offense.

(c) If it is found that any violation of this Ordinance is found to be continuous in respect to time, the fine or penalty for allowing the continuous thereof, in violation of this Ordinance, shall not exceed five hundred dollars (\$500.00) for each day that it is unlawfully continued, plus court costs and applicable fees.

SECTION 15: CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 16: ATTACHMENTS. Appended to this Ordinance under the heading "Exhibit B" are forms which set out the additions requirements and regulations for the Russellville Municipal Airport. They are:

Airport Design Dimensional Criteria and 49 CFR Part 77 Surfaces
Table C8 - Runway End Sitting Criteria, In Feet
Figure A5 - Generalized Existing Zoning
Figure C3 - Existing Runway Protection Zones
Figure C4 - Runway 7 Threshold Sitting Surface Analysis
Figure C5 - Runway 25 Threshold Sitting Surface Analysis
Figure C6 - Runway 7 Departure Surface Analysis
Figure C7 - Expanded Runway 7 Departure Surface Analysis
Figure C8 - Runway 25 Departure Surface Analysis

They are all incorporated in this Ordinance by reference and have the same legal authority as any other provision contained in this Ordinance.

SECTION 17: REFERENCE IN ZONING CODE. The City Planner or their designee is authorized to amend the current Zoning Code adopted by Ordinance No. 1966, Subsection 1.6 titled "Runway Protection Zone" to delete the Ordinance Nos. 1243, 1264 and 1272 and replace them with the Ordinance No. assigned to this Ordinance.

SECTION 18: SEVERABILITY. If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the

invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 19: REPEALER. Ordinance Nos. 1243, 1264, 1272 and any other ordinance in conflict with this Ordinance is hereby repealed.

ORDAINED, this 17th day of October, 2019.





RICHARD HARRIS, MAYOR

ATTEST:



GINA SKELTON, CITY CLERK-TREASURER

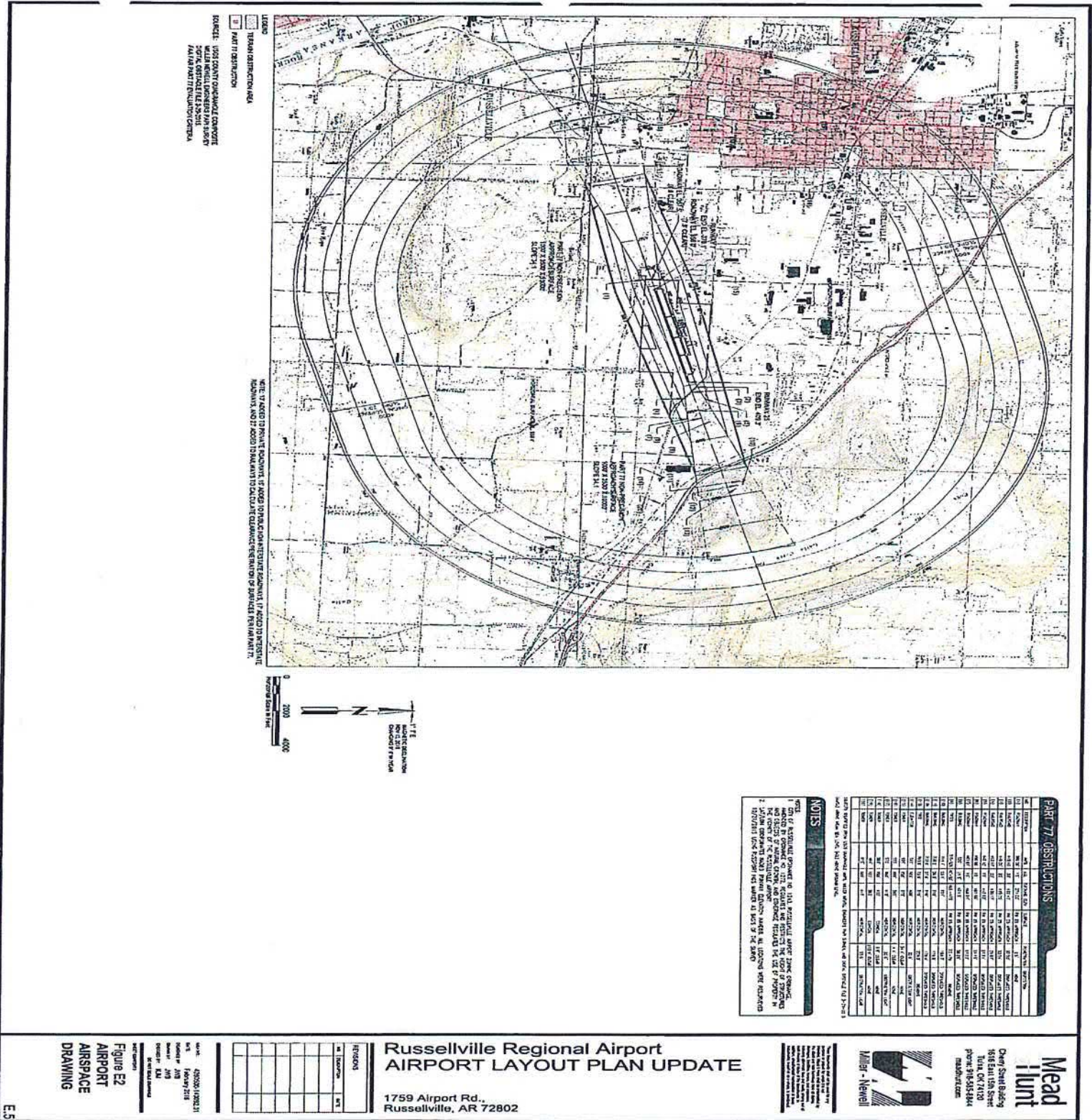
I, Gina Skelton, City Clerk-Treasurer of the City of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2336 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 17th day of October, 2019.

APPROVED AS TO LEGAL FORM:



WILLIAM F. SMITH III, CITY ATTORNEY

EXHIBIT A



[illegible]

Approach / Departure Standards Table

Runway Type	DIENSIONAL STANDARDS*	Shape	Outside	Clearance	Surface
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	A	B	C	D	E	OCs
End of runway expected to serve small with approach speeds less than 50 knots. (*OCs only, 45/100)	0	120	300	500	2,500	15.1

end of runway expected to serve small with approach speeds of 50 knots or more, (<i>runway only, 0/1/2/3/4</i>)	0	255	130	2,250	2,750	28.1
end of runway expected to serve large						

Method of diagnosis, or treatment intervention	n	OR	95% CI	p-value
Visual diagnosis, or treatment intervention	0	409	1.630	6.596
End of arm, or treatment intervention	200	439	3.163	10.000
End of arm, or treatment intervention	201	0	0	20.1

kind of currency expected to support and flight operators serving greater than Category B aircraft	200	803	1,520	10,000 ²	0	20.1
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trial of running expected to accommodate	total of running expected to accommodate
200	800
1 student min./day or less	1,600
2 students min./day or more	10,000
0	0
34.1	34.1

Rate of return on equity, day or night	Rate of return on equity, day or night	Rate of return on equity, day or night	Rate of return on equity, day or night
0	15.0	10.000	0
20	15.0	10.000	0

Figure 3-2	Figure 3-4	Figure 3-1
Figure 3-2: A surveyor's use of a surveying instrument to determine the elevation of a point on a hill.	Figure 3-4: A surveyor's use of a surveying instrument to determine the elevation of a point on a hill.	Figure 3-1: A surveyor's use of a surveying instrument to determine the elevation of a point on a hill.

by Order 8363, may avoid displacing the threshold.

as measured relative to Takeoff Distance Available (TODA) (to include deceleration).

For specific cases, refer to District 8603. The 0% slope (3%) supports a minimal approach of the GPR. This assumes a TCH of 50 feet (15 m). Three degrees is commonly used for Engineering System (ES) and VGS aiming angles. This approximates a 30:1 approach slope that is and the 20:1 approach surficial of Part 77. Surfaces cleared to 3:1 should accommodate a 30:1.

with vertically guided approaches the criteria in row 8 is in addition to the basic criteria in the table, to ensure the protection of the GDS.