

ORDINANCE NO. 2003-31

AN ORDINANCE AMENDING SECTION 521.11 OF THE CODIFIED ORDINANCES OF THE CITY OF POWELL ENTITLED "LANDING OF AIRCRAFT" AND DECLARING AN EMERGENCY

WHEREAS Council has determined that it is necessary to amend Section 521.11 of the Codified Ordinances of the City of Powell to provide for exceptions in certain instances including the landing of certain emergency aircraft

WHEREAS, Council has determined that an emergency exists in the need to enact this ordinance immediately due to current needs to provide exceptions to this previous prohibition.

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That Section 521.11 of the Codified Ordinances of the City of Powell entitled "Landing of Aircraft", a complete copy of which is attached hereto and incorporated herein by reference, is hereby amended as follows:

521.11 LANDING OF AIRCRAFT

(a) As used in this section the following definitions apply:

- 1) "Air Craft" means any contrivance heavier than air used or designed for aviation or flight and carrying a pilot in the air except a parachute or other contrivance for such aviation used primarily as safety equipment, and specifically including hot air balloons and similar devices.
- 2) "Emergency Aircraft" means any aircraft operated by any branch of the United States Military Forces or its reserve units; the Ohio National Guard or the National Guard of any other state; any Federal or State of Ohio law enforcement agency; any hospital or other entity operating aircraft primarily for the purpose of emergency medical evacuation.
- 3) "Landing field" or "landing sites" means any location either on land or water of such size and nature as to permit the landing or taking off of aircraft with safety, and used for that purpose, whether or not equipped to provide for the shelter, supply or care of aircraft.
- 4) "Pilot" means any individual who is in command of an aircraft and engages in the navigation of the aircraft, whether or not such person holds the title of "Pilot".
- 5) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.


(b) No person shall land an aircraft except an emergency aircraft within the corporate limits of the City other than at a landing field without the prior approval in writing by the Department of Transportation of the State of Ohio, the Federal Aviation Administration, and chief law enforcement officer for the city of Powell. For purposes of this section, the pilot is presumed to be in control of the aircraft.

(c) The chief law enforcement officer for the City of Powell may approve the landing of aircraft within the city for special events or occasions when such landing would otherwise be prohibited by the terms of this Ordinance.

(d) Any person who is convicted of or pleads guilty to a violation of this Section shall be guilty of a misdemeanor of the first degree.

Section 2: That former Section 521.11 is repealed in its entirety.

This ordinance or resolution has been posted in
three (3) public places as defined in ordinance
44-11 dated 4-29-04
on this date 5/2/03


Clerk of Council

Section 3: That it is hereby found and determined that all formal actions of the Council concerning and relating to the passage of the ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meeting so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 4: This Ordinance shall take effect at the earliest possible date provided by law.

Vote on Rule Suspension:

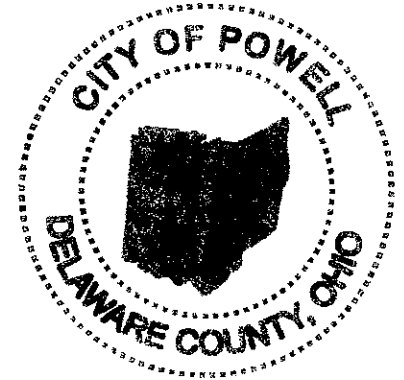
Y _____ N _____

Vote on Ordinance No.: 2003-31

Y _____ N _____

Art Schultz 4/3/03
Art Schultz Date
Mayor

Dawn Nauman 5/30/03
Dawn Nauman Date
Clerk



521.11 LANDING OF AIRCRAFT.

(Attachment)

(a) As used in this section the following definitions shall apply:

- (1) "Air craft" means any contrivance heavier than air used or designed for aviation or flight in the air excepting a parachute or other contrivance for such aviation used primarily as safety equipment.
 - (2) "Landing field" or "landing sites" means any location either on land or water of such size and nature as to permit the landing or taking off of aircraft with safety, and used for that purpose but not equipped to provide for the shelter, supply or care of aircraft.
 - (3) "Pilot" means any individual who is in command of an aircraft and engaged in aviation of the aircraft.
 - (4) "Person" means any individual, firm, partnership, corporation, company, association, and joint stock association and includes any trustee, receiver, assignee, or other similar representative thereof.
- b) No person shall land an aircraft within the corporate limits of the City at other than a landing field approved in writing by the Department of Transportation, State of Ohio and the Federal Aviation Administration. For purposes of this section, the pilot is presumed to be in control of the aircraft.
- c) Any person who is convicted of or pleads guilty to a violation of this section shall be guilty of a misdemeanor of the first degree.

(Ord. 89-20. Passed 7-5-89.)

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