

2054 :
JOINT :
RESOLUTION :
AND ORDINANCE :

City of Humboldt, et al
to
Public

:Filed for Record July 13, 1964
:at 12:02 o'clock P.M.
:Esther J. Ruble, Recorder

4M-508

I, Irma L. Jensen, City Clerk of the City of Humboldt, Iowa, hereby certify to the County Recorder of Humboldt County, Iowa, that the records and files of said city are in my custody and show that the attached JOINT RESOLUTION AND ORDINANCE making certain regulations and restrictions relative to property in the vicinity of the Humboldt Municipal Airport, with the Airport Zoning Map attached thereto, was passed and adopted as an ordinance of said city by majority vote of its council on June 15, 1964, signed by the mayor of said city on June 16, 1964, and published as required by law on June 27, 1964.

This certificate is given this 7 day of July, 1964, in accordance with the provisions of Section 366.12 of the 1962 Code of Iowa.

(SEAL)

Irma L. Jensen Irma L. Jensen
City Clerk of the City of Humboldt, Iowa.

I, Clodean P. Long, Town Clerk of the Town of Dakota City, Iowa, hereby certify to the County Recorder of Humboldt County, Iowa, that the records and files of said town are in my custody and show that the attached JOINT RESOLUTION AND ORDINANCE making certain regulations and restrictions relative to property in the vicinity of the Humboldt Municipal Airport, with the Airport Zoning Map attached thereto, was passed and adopted as an ordinance of said town by majority vote of its council on June 12, 1964, signed by the mayor of said town on June 12, 1964, and published as required by law on June 27, 1964.

This certificate is given this 7 day of July, 1964, in accordance with the provisions of Section 366.12 of the 1962 Code of Iowa.

(SEAL)

Clodean P. Long Clodean P. Long
Town Clerk of the Town of Dakota City, Iowa.

I, Orin L. Nelson, County Auditor of Humboldt County, Iowa, hereby certify to the County Recorder of Humboldt County, Iowa, that the records and files of the acts of the Board of Supervisors of said county are in my custody and show that the attached JOINT RESOLUTION AND ORDINANCE making certain regulations and restrictions relative to property in the vicinity of the Humboldt Municipal Airport, with the Airport Zoning Map attached thereto, was passed and adopted and consented to as a resolution of said board by majority vote of said board on June 15, 1964, and signed by its chairman on June 15, 1964.

This certificate is given this 13 day of July, 1964.

(SEAL)

Orin L. Nelson Orin L. Nelson
County Auditor of Humboldt County, Iowa.

JOINT RESOLUTION AND ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE HUMBOLDT MUNICIPAL AIRPORT BY CREATING AIRPORT APPROACH, TRANSITION, HORIZONTAL AND CONICAL ZONES, AND ESTABLISHING THE BOUNDARIES THEREOF AND HEIGHT AND USE LIMITATIONS THEREIN; PROVIDING FOR VARIANCES FROM THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

Be it resolved by the Board of Supervisors of Humboldt County, Iowa, and enacted by the Council of the City of Humboldt, Iowa, and the Council of the Town of Dakota City, Iowa:

Section 1. PURPOSE. This resolution and ordinance is adopted pursuant to the authority conferred by Chapters 329, 330 and 414 of the 1962 Code of Iowa, and for the purpose of promoting the public health, safety and general welfare by preventing the creation or establishment of airport hazards.

Section 2. DEFINITIONS. As used in this resolution and ordinance, unless the context otherwise requires:

(1) AIRPORT means Humboldt Municipal Airport, which is situated upon the Southeast $\frac{1}{4}$ of Section 34 and the Southwest $\frac{1}{4}$ of Section 35, in Township 92 North, Range 29 West of the 5th P.M., in Humboldt County, Iowa, and is operated by the city of Humboldt, Iowa.

(2) AIRPORT ELEVATION means the established elevation above mean sea level, as determined by reference to United States Coast and Geodetic Survey datum, of the highest point on the usable landing area, and it is assumed to be 1095.7 feet.

(3) AIRPORT HAZARD means any structure, tree, or use of land which obstructs the airspace required for or is otherwise hazardous to the flight of aircraft in landing or takingoff at the airport.

(4) AIRPORT REFERENCE POINT means the point established as the approximate geographic center of the airport landing area and designated and located on the airport zoning map.

(5) BOARD OF ADJUSTMENT means a board consisting of five members appointed as provided in Section 9 of this resolution and ordinance.

(6) HEIGHT, as used in height limits, means elevation above sea level determined as in the definition of airport elevation above.

(7) INSTRUMENT RUNWAY means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

(8) LANDING AREA means the area of the airport used for the landing, taking-off or taxiing of aircraft.

(9) NON-CONFORMING USE means any structure, tree, or use of land which does not conform to a regulation of this resolution and ordinance, or amendment thereof, and is lawfully in existence at the time such regulation becomes effective.

(10) NON-INSTRUMENT RUNWAY means a runway other than an instrument runway.

See Next Page

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(11) PERSON means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(12) RUNWAY means the portion of the landing area used for landing and taking-off of aircraft and designated on the airport zoning map as a runway.

(13) STRUCTURE means an object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

(14) TREE means any object of natural growth.

Section 3. ZONES. In order to carry out the provisions of this resolution and ordinance, there are hereby created and established certain zones which include all of the space lying above the lower surfaces thereof. Such zones are shown on the Humboldt Municipal Airport Zoning Map consisting of one sheet, prepared by Charles W. Wever and dated Feb. 24, 1964, which map, with all its designations and information, is made a part of this resolution and ordinance as if the same were fully set forth herein. Such zones are hereby established and defined as follows:

(1) NON-INSTRUMENT APPROACH ZONES. Non-instrument approach zones are hereby established just beyond each end of all non-instrument runways on the Humboldt Municipal Airport for non-instrument landings and take-offs. Each such zone shall have its centerline directly over the extended centerline of such runway, have a horizontal width perpendicular to the centerline of 250 feet at a distance of 200 feet, measured horizontally, from the end of such runway, widening thereafter uniformly as the zone extends away from the runway to a width of 2,250 feet at a distance of 10,200 feet, measured horizontally, beyond the end of the runway. The lower surface of each such zone slopes upward in the direction away from the runway and along the centerline one foot in height for each twenty feet in horizontal distance beginning at a point 200 feet, measured horizontally, from the end of the runway and at the ground elevation and extending to a point 10,200 feet, measured horizontally, from the end of the runway.

(2) TRANSITION ZONES.

(a) Transition zones are hereby established adjacent to each non-instrument runway, symmetrically located on either side of the runway and having variable widths as shown on the airport zoning map. Such transition zones extend outward from a line 125 feet, measured horizontally, from and on either side of the center line of each such runway, for the length of such runway plus 200 feet on each end, such line being parallel with such centerline and at the airport elevation. The lower surface of each such transition zone slopes upward and outward away from such runway, in a direction perpendicular to the runway centerline, one foot vertically for each seven feet horizontally to its intersection with the lower surface of the horizontal zone.

(b) Other transition zones are hereby established adjacent to and along each of the two long sides of each non-instrument approach zone for the entire length of the non-instrument approach zone. The lower surface of each such transition zone flares symmetrically with its side of the approach zone from the edge of the lower surface of the approach zone and slopes upward and outward therefrom, in a direction perpendicular to the centerline of the approach zone, at the rate of one foot vertically for each seven feet horizontally to its intersection with the lower surfaces of the horizontal and conical zones.

(3) HORIZONTAL ZONE. A horizontal zone is hereby established as the area within a circle with its center at the airport reference point and having a radius of 5,000 feet, measured horizontally. Its lower surface is a level, horizontal plane 150 feet above the airport elevation. The horizontal zone does not include the non-instrument approach zones and the transition zones.

(4) CONICAL ZONE. A conical zone is hereby established commencing at the periphery of the lower surface of the horizontal zone and extending outward therefrom to a distance of 8,000 feet, measured horizontally, from the airport reference point. Its lower surface slopes upward and outward from the periphery of the lower surface of the horizontal zone at the rate of one foot vertically for each 20 feet horizontally, measured in a vertical plane passing through the airport reference point, extending to a height of 300.3 feet above the airport elevation. The conical zone does not include the non-instrument approach zones and transition zones.

Section 4. HEIGHT LIMITATIONS. Except as otherwise provided in this resolution and ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this resolution and ordinance to a height above the lower surface of such zone as hereinbefore described. Nothing in this resolution and ordinance shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to 45 feet above the surface of the land.

Section 5. USE RESTRICTIONS. Notwithstanding any other provisions of this Resolution and Ordinance, no use may be made of land within any zone established by it in such a manner as to create electrical interference with radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between airport lights and others result in glare in the eyes of flyers using the Airport, impair visibility in the vicinity of the Airport or otherwise endanger the landing, taking-off, or maneuvering of aircraft.

Section 6. NON- CONFORMING USES.

(a) Regulations not Retroactive. The regulations prescribed by this Resolution and Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Resolution and Ordinance, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained 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 Resolution and Ordinance, and is diligently prosecuted.

(b) Marking and Lighting. Notwithstanding the preceding provision of this Section, the owner of any non-conforming 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 Humboldt Airport Zoning Commission to indicate to the operators of aircraft in the vicinity of the Airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the City

of Humboldt, Iowa.

Section 7. PERMITS.

(a) Future Uses. Except as specifically provided in paragraphs 1, 2 and 3 hereunder no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established 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. If such determination is in the affirmative, the permit shall be granted.

(1) In the area lying within the limits of the Horizontal zone and the Conical Zone, no permit shall be required for any tree or structure less than 75 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 zone.

(2) In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such instrument or non-instrument approach zone.

(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 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, alteration or growth of any structure or tree in excess of any of the height limits established by this Resolution and Ordinance except as set forth in Section 4.

(b) Existing Uses. No non-conforming use shall be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this Resolution and Ordinance, or any amendment thereto rendering such use non-conforming, were adopted, and no permit shall be granted that would allow it.

(c) Non-conforming Uses Abandoned or Destroyed. Whenever the Humboldt Airport Zoning Commission determines that a non-conforming structure, tree or use has been abandoned or more than 60 percent 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, nor shall it be reconstructed, repaired or resumed after having been abandoned or town down, deteriorated or decayed to such extent.

(d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use his property, not in accordance with the regulations prescribed in this Resolution and Ordinance, may apply to the Board of Adjustment for a variance from such regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this Resolution and Ordinance and the laws of Iowa pertaining to airport zoning.

(c) Hazard Marking and Lighting. Any permit or variance may be granted subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purpose of this Resolution and Ordinance and be reasonable in the circumstances, and may require the owner of the structure or tree in question to permit the City of Humboldt, Iowa, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to operators of aircraft the presence of an airport hazard.

Section 8. ENFORCEMENT. It shall be the duty of the Humboldt Airport Zoning Commission to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the commission upon a form furnished by it. Applications required by this Resolution and Ordinance to be submitted to the commission shall be promptly considered and granted or denied by it, Applications for action by the Board of Adjustment shall be forthwith transmitted by the commission.

Section 9. BOARD OF ADJUSTMENT.

(a) There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Humboldt Airport Zoning Commission in the enforcement of this Resolution and Ordinance; (2) to hear and decide special exceptions to the terms of this Resolution and Ordinance upon which such Board of Adjustment under such regulations may be required to pass; (3) to hear and decide specific variances.

(b) The Board of Adjustment shall consist of seven members, two to be appointed by the Board of Supervisors of Humboldt County, Iowa, two to be appointed by the City Council of the City of Humboldt, Iowa, two to be appointed by the Town Council of the Town of Dakota City, Iowa, and an additional member, who shall act as chairman of the board, shall be appointed by the majority vote of the six members appointed as above provided. The terms of the members of the board shall be five years except that when the board shall be first created, of the members appointed by said Board of Supervisors, one shall be appointed for a term of two years and one for a term of four years and of the members appointed by said City Council one shall be appointed for a term of two years and one shall be appointed for a term of four years and of the members appointed by said Town Council one shall be appointed for a term of two years and one shall be appointed for a term of four years. No member of the Board of Adjustment shall be a member of the Humboldt Airport Zoning Commission.

(c) The Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of this Resolution and Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence the acting chairman,

may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

(d) The Board of Adjustment shall make written findings of fact and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Resolution and Ordinance.

(e) The concurring vote of a majority of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Humboldt Airport Zoning Commission or to decide in favor of the applicant on any matter upon which it is required to pass under any regulations under this Resolution and Ordinance, or to effect any variance from such regulations.

Section 10. APPEALS.

(a) Any person aggrieved, or any officer, department, board or bureau of said city or county affected by any decision of the Humboldt Airport Zoning Commission made in its administration of this Resolution and 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 Humboldt Airport Zoning Commission and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The commission 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 proceedings in furtherance of the action appealed from, unless the commission 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 its opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order of the Board of Adjustment on application on notice to the commission from which the appeal is taken 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 Resolution and Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination, as ought to be made and to that end shall have all the powers of the Humboldt Airport Zoning Commission.

Section 11. PENALTIES. Each violation of this Resolution and Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both such fine and imprisonment, and each day a violation continues to exist shall constitute a separate offense.

Section 12. CONFLICTING REGULATIONS. Where there exists a conflict between any of the regulations or limitations prescribed in this Resolution and Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

Section 13. SEVERABILITY. If any of the provisions of this Resolution and Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Resolution and Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution and Ordinance are declared to be severable.

Section 14. EFFECTIVE DATE. This Resolution and Ordinance shall be in effect after its final passage by the City Council of the City of Humboldt, Iowa, and the Town Council of the Town of Dakota City, Iowa, and passage in resolution form by the Board of Supervisors of Humboldt County, Iowa, and its publication as provided by law.

Passed by the City Council of the City of Humboldt, Iowa, on the 15th day of June, 1964, and approved this 16th day of June, 1964.

Attest: Jean M. Kleve
Mayor of the City of Humboldt, Iowa.
Irma L. Jensen
Clerk of the City of Humboldt, Iowa.

Passed as a resolution by vote therefor and consent thereto by a majority of the Board of Supervisors of Humboldt County, Iowa, on the 15th day of June, 1964.

Attest: Ben E. Schulze
Chairman of the Board of Supervisors of Humboldt
County, Iowa.
Orin L. Nelson
Auditor of Humboldt County, Iowa.

Passed by the Town Council of the Town of Dakota City, Iowa, this 12th day of June, 1964, and approved this 12th day of June, 1964.

Attest: Denison L. Hansen
Mayor of the Town of Dakota City, Iowa.
Clodean P. Long
Clerk of the Town of Dakota City, Iowa.

