

**HUNTSVILLE TOWN
ORDINANCE 2019-XX-XX**

**AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, AMENDING TITLE 15,
REGULATING THE LANDING AND TAKEOFF OF MANNED AIRCRAFT
WITHIN HUNTSVILLE TOWN.**

- A. WHEREAS**, Huntsville Town (hereafter referred to as “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;
- B. WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the Town to regulate land use and development;
- C. WHEREAS**, Huntsville Town desires to establish ordinances governing the landing and takeoff of manned aircraft within Town;
- D. WHEREAS**, the proposed change in the ordinance would prohibit the landing or takeoff of manned aircraft within Town unless otherwise excepted;
- E. WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on <Month/Day/Year>, to take public comment on the proposed ordinance, after which the Planning Commission gave its recommendation to ADOPT THIS Ordinance on <Month/Day/Year>;
- F. WHEREAS**, the Town Council received the recommendation from the Planning Commission and held its public meeting on <Month/Day/Year> and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the Huntsville Town Council as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. The *Huntsville Municipal Code* is hereby amended to read as follows:

15.32 Manned Aircraft Landings and Takeoffs

The landing or takeoff of manned aircraft (including, but not limited to, hot air balloons, helicopters, fixed-wing aircraft, etc.) is prohibited within the municipal boundary of Huntsville Town, subject to the following exceptions:

- A. In the event of an emergency involving the safety of any manned aircraft or its passengers.
- B. In those instances where the manned aircraft is involved in the performance of official search, rescue, law enforcement, medical evacuation, or civil defense duties.
- C. The Town Council may grant temporary approval for spot manned aircraft landings and/or takeoffs at specific locations subject to the following requirements:
 - 1. The applicant desiring such approval shall submit a written application to the town which shall describe fully the time and place of the proposed landing/takeoff, the purpose, the aircraft to be used, the pilot, insurance coverage applicable, and all crowd control measures to be employed to safeguard the safety of life and property at the site.
 - 2. The applicant shall agree to reimburse the town for all reasonable costs incurred on the applicant's behalf.
 - 3. The applicant shall agree in writing to indemnify the town against all risk of loss from any cause for injury or death to any person or for property damage arising out of the landing/takeoff.
 - 4. The applicant shall establish to the satisfaction of the Town Council that the landing/takeoff of the aircraft poses no risk to the safety of pedestrians, motor vehicles, or structures.
 - 5. The landing of the aircraft and the subsequent takeoff after completion of the promotional activities shall be supervised by a law enforcement officer at the expense of the applicant. The law enforcement officer shall remain in attendance on the ground location during the entirety of the proposed operation.
 - 6. The applicant shall secure written approval from owners of any adjoining parcels to the temporary landing/takeoff site.
 - 7. The Town Council may waive any of the foregoing requirements if the landing/takeoff is conducted on town property or as part of a town-sponsored event.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance shall be effective immediately upon posting or publication after final passage.

VOTES	AYE	NAY	RECUSED	EXCUSED
Mayor Jim Truett				
CM Max Ferre'				

CM McKay				
CM Bill Wangsgard				
CM Blake Bingham				

ADOPTED AND APPROVED on this <DATE>.

JIM TRUETT, Mayor

ATTEST:

BECKKI ENDICOTT, Recorder

RECORDED this <DATE>.