

## Edgar County Airport Resolution

Whereas, the Edgar county airport located at 15551 Airport Road Paris, Il is owned by Edgar County and is therefore publicly owned. It is designed and set aside for the landing and take-off of aircraft.

Whereas, the Illinois Department of Transportation, under Federal Aviation Administration guidelines, has formulated and adopted an airport approach plan for each publicly owned airport in the state.

Whereas, the approach plan for the Edgar County Airport indicates circumstances in which structures, trees, or land use are or would be airport hazards to safe flying operations. The airport plan has been in effect for many years at the Edgar County Airport.

Whereas, Illinois law grants Edgar County the power to adopt airport zoning regulations for the Edgar County Airport in order to prevent the creation or establishment of airport hazards. Therefore, Edgar County intends to protect airport usage through hazard zoning regulations per the 3rd paragraph in the 6/25/07 letter referenced in the 2007 Airport Approach Plan on file with the Federal Aviation Administration. These hazard zoning regulations will protect airport usage by regulating hazard areas effecting runway approaches and/or safe operation of the airport per the Federal Aviation Administration guidelines which have been in place since the airport was constructed in 1974.

Whereas any future construction of properties located in the airport hazard zone will be obligated to file for a permit by Section 16.170 permits per the Administrative Code Part 16 Airport Hazard Zoning which states that:

- a) A permit from the Division is required before any person makes any use, or a change in use, of any land or water beneath any surface established by this Part or when use may create an airport hazard (see Section 23 of the ACT). Use may include, but is not limited to the following:
  1. Constructing or altering a structure;
  2. Erecting or altering any device, including mobile items such as vehicles or cranes;
- b) A permit from the Division is also required for any penetrations of the notification surface (see Section 16.160)
  1. Each person or sponsor proposing any of the following construction or alterations of any structure on or in the vicinity of the airport shall notify the Division for objects on airport property, or the FAA, for objects off airport property.
    - a. Any construction or alteration of more than 200 feet in height above ground level at its sight within 7 statute miles of the airport runway intersection

- b. Any construction or alteration of a height greater than an imaginary surface extending outward at a slope of 100:1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport.
- c) A permit is not required when the structure, accumulation, or vegetation is beyond the lateral limits of the conical surface and less than 200 feet above the natural ground level, unless the structure or vegetation extends into a limiting surface (see Section 16.80(b)).

Whereas any penalty imposed by violating the airport hazard will be administered by Section 16.200 Penalties of the Administrative Code Part 16 Airport Hazard Zoning which states that:

Each violation of this Part shall constitute an airport hazard; shall be a petty offense; and shall carry a fine of \$1,000. Each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the circuit court of the county in which the airport is located, or circuit court of any county in which the airport hazard is wholly or partly located, an action to prevent, restrain, correct, or abate any violation of this Part, or of any regulation, order or ruling made in connection with their administration or enforcement. The court shall provide such relief by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purposes of the Part as adopted and orders and rulings made pursuant thereto. (See Section 34 of the Act.)

Whereas any appeal to a violation of an airport hazard will be administered by Section 16.190 Administrative and Judicial Review per the Administrative Code Part 16 Airport Hazard Zoning with the review being:

- a) Within 30 calendar days after the issuance of any ruling, order or decision of the Division under this Part, any affected party or affected person may appeal in writing, regardless of form, to the Chief Engineer of the Division asking that the determination be reversed (wholly or in part), modified, changed, abrogated, or rescinded. A hearing on the appeal will be held at the offices of the Division within 20 calendar days after receipt of the appeal. The hearing shall be held in accordance with the rules of practice made part of the Division's rules on Aviation Safety, 92 Ill. Adm. Code 14, Subpart K. A written Order on the appeal will be issued within 10 business days after the hearing. If the decision is not issued within 10 business days, the appeal shall be considered to be denied and the initial determination of the Division shall remain in full force and effect.
- b) Judicial Review. Judicial review of any decision of the Division made pursuant to this Part shall be governed by the Administrative Review Law [735ILCS 5/Art. III].

Therefore, be it resolved that the Edgar County Airport located at 15551 Airport Road Paris, Il is hereby protected for present and future use as an airport.

I move for the adoption of the foregoing hazard zoning resolution

Board Member

I second the motion for the adoption of the foregoing hazard zoning resolution

Board Member

Passed and adopted by the County Board of Edgar County this

\_\_\_\_\_ day of \_\_\_\_\_, 2016

Board Chairman

Attest

Edgar County Clerk