

**RICHARD B. RUSSELL REGIONAL AIRPORT**

**Rules and Regulations**



**Richard B. Russell Regional Airport**

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**Chapter 2-3 - AIRPORT****ARTICLE I. - IN GENERAL**

## Footnotes:

Editor's note— Ord. No. 1999-0054, adopted Dec. 28, 1998, did not specifically amend the Code and has been included herein as superseding the provisions of Ch. 2-3, Arts. I and II. The former Art. I, §§ 2-3-1—2-3-27, and Art. II, §§ 2-3-30—2-3-49, pertained to the airport generally and the airport commission, respectively, and derived from Code 1979, §§ 8-3002—8-3016, 8-3021—8-3025; § 1 of an ordinance adopted June 24, 1997; and § 4 of an ordinance adopted Aug. 13, 1996. See the Code Comparative Table for further information.

**Sec. 2-3-1 . - Definitions.**

When used in this chapter, the terms hereinafter set forth shall have the meanings prescribed:

*Air operations areas:* Any area of an airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft, including but not limited to runways, taxies, ramps and aprons.

*Aircraft:* Any contrivance now known or hereafter invented, used or designed for navigation and/or flight in the air.

*Airport:* The Floyd County Airport, Richard B. Russell Airport at 304 Russell Field Road, in Floyd County, Georgia and including all of the lands and reservation contained therewith under the day to day management and supervision of the Floyd County Airport Commission and its duly appointed airport manager pursuant to the Ordinance of the board of commissioners of the county.

*Airport manager:* The individual duly appointed by the county commission to perform the duties and functions assigned to such individual by the county airport commission.

*FAA:* The Federal Aviation Administration.

*FARs:* Federal aviation regulations promulgated by the Federal Aviation Administration pursuant to its authority under the Federal Aviation Act of 1958, as amended, and other applicable federal laws.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-2. - General rules.**

- (a) *Conditions of airport use; liability:* All users of and persons on the airport shall be governed by these regulations and by any emergency directives issued by the airport management pursuant to section 2-32. These regulations supersede all those previously published and are subject to change by the county airport commission. These regulations are not intended to amend, modify or supersede any provisions of the federal, state, and county or any specific contractual agreement of the county or city with which they may conflict and shall insofar as possible, be interpreted so that no such conflict

shall exist. If any of these regulations become invalid or unenforceable due to a revision, then all other regulations shall nevertheless remain in effect.

The owner, (county commission), obligates itself to operate the airport for the use and benefit of the public and to keep the airport open to the various types, kinds and classes of aeronautical use for which the airport facility is designed and intended to serve. The owner has established these rules to be met by all users so as to provide for the safe and efficient use of the airport and to otherwise protect the safety of persons and property both on the ground and in the air.

It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft, the weights of which are not in excess of the published strengths of the paved surfaces concerned. Operations on these surfaces, of aircraft slightly in excess of the published pavement strengths, may be permitted on an infrequent basis with the permission of the airport manager.

Considering the owner's obligation to keep the airport open to the public for aeronautical purposes, the airport facilities will not be used for nonaviation events which would conflict with its aeronautical use unless it is approved by the airport manager.

The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user to obey all regulations herein provided and otherwise adopted by the owner. The right of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user, and the user shall release and hold harmless and indemnify the owner, its officers and employees, from any liability of loss resulting from such use, as well as claims of third persons to using the airport.

The air traffic rules and aircraft operations regulations of the FAA, as in effect and all additions thereto, are made a part of these regulations as fully as if set forth herein.

- (b) *Amendments to rules and regulations*: Future amendments, additions deletions or corrections to these rules and regulations may be promulgated by the county board of commissioners and shall be filed with the county commission and the county clerk.
- (c) *Special regulations, notices or directives*: Special regulations, notices, memorandums or directives of an operational nature of interest to persons engaged in business with the airport shall be issued under the authority of these regulations.
- (d) *Emergency powers of the airport management*: When an emergency exists at the airport the airport management is empowered to issue such direction and take such action which, within his discretion and judgment, is necessary or desirable to protect persons or property and expedite the operation of the airport. Such directives and actions of the airport manager shall have the force of a regulation hereunder so long as said emergency exists.
- (e) *Posting of rules and regulations*: The airport manager and all fixed base operators at the airport shall post a copy of these rules and regulations in a conspicuous location for the use of employees and customers.
- (f) *Nonliability of the county and the county airport commission*: The use of the airport and its facilities shall be at all times conditioned upon the assumption of full responsibility therefor by every person

exercising or taking advantage of the use of. It shall be a further condition thereof that each person, as a consideration for the use of the airport and for its facilities, shall at all times release, hold harmless and indemnify the county and its agents and employees from any and all responsibility, liability, loss or damage, resulting to any such person, or responsibility, liability, loss or damage, resulting to any such person, or caused by or on his or her behalf, and incident to the manner in which the airport is operated, constructed or maintained, or served from within or without, or used from without. The use of the airport by any person for any purpose, or the paying of fees therefor, or the taking off or landing aircraft thereon, shall be itself an acknowledgment that such person accepts such privileges on the condition herein set forth.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-3. - General regulations.**

- (a) *Public and tenant usage*: All persons using the airport shall at all times abide by the following rules and regulations of this section.
- (b) *Advertising*: No person or organization shall post, or display signs, advertisements, literature, circulars, pictures, sketches, drawings, or other forms of printed or written matter on the airport except with the prior written authorization of the airport manager and in such manner as he may prescribe.
- (c) *Solicitation*: No person shall engage in any form of solicitation or offer merchandise or services for sale on the airport without obtaining prior written authorization from the airport manager.
- (d) *Alcohol*: No person shall transport or consume alcohol on airport property without the express written permission of the airport manager.
- (e) *Disorderly conduct*: No person shall be or become intoxicated or drunk, commit any disorderly, obscene or indecent act, or commit any act of nuisance, nor conduct or engage in any form of gambling on the airport.
- (f) *Sanitation*: No person shall dispose of garbage, papers, refuse or other material on the airport except in the receptacles provided for that purpose; nor use a comfort station other than in a clean and sanitary manner.
- (g) *Preservation of property*: No person shall destroy, injure, deface or disturb in any way any building, sign, equipment, marker or other structure, trees, flowers, lawn or other property on the airport; nor alter, make additions to, or erect any building or sign or make any excavations on the airport; nor willfully abandon any personal property on the airport. In addition to any other penalty provided in these rules, civil law provides that any such action be considered as a misdemeanor. Any person causing or liable for damage of any nature shall report such damage to the office of the airport manager and upon demand by such office, shall reimburse the county for the full amount of the damage. Anyone failing to comply with this regulation may be refused admittance to the airport until the county airport commission has been fully reimbursed for damage done or the offender has been prosecuted under civil law as necessary.

- (h) *Deadly weapons at public gatherings*: No persons, except peace officers, duly authorized post office and airport employees or members of the Armed Forces of the United States on official duty, shall carry loaded or unloaded weapons on the airport property without permission from the airport manager. Nor shall any person store, keep, handle, use, dispense or transport at, in or upon the airport, any hazardous or dangerous articles (as defined by the department of transportation regulations for transportation of explosives or other dangerous articles), at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property.
- (i) *Interfering or tampering with aircraft*: No person shall interfere or tamper with any aircraft or put in motion engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission from appropriate authorities.
- (j) *Restricted areas*: No person shall enter any restricted area of the airport posted as being closed to the public without permission except:
- (1) Persons assigned to duty therein;
  - (2) Persons authorized by the airport manager;
  - (3) Business representatives in the conduct of their affairs with the FBO or other tenants.
- (k) *Use of roads and walks*: No person shall travel on the airport other than the roads, walks, or places provided for the particular class of traffic. No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
- (l) *Use of shop areas*: All shops, garages, equipment and facilities are expressly for the conduct of the owner's or lessee's business and operations. No persons other than employees of the owner or lessee shall make use of these facilities or loiter around such premises without individual and specific permission of the owner or lessee.
- (m) *Conduct of business or commercial activity*: No person shall engage in any business or commercial activity of any nature whatsoever on the airport except with the approval of the county airport commission, and under such terms and conditions as may be prescribed. Persons conducting regular air operations from privately owned property adjacent to but not part of airport property shall be considered as conducting a commercial activity operation as defined in the minimum standards and subject to all provisions thereof.
- (n) *Aeronautical business activity; application, approval, compliance*:
- (1) *Application*: Any applicant wishing to establish an aeronautical activity on the airport shall be furnished a copy of these minimum standards, as amended, and shall make application in writing to the owner, setting forth in detail the following:
    - a. The name and address of the applicant.
    - b. The proposed land use, facility, and/or activity sought.
    - c. The names and the qualifications of the personnel to be involved in conducting such activity.
    - d. The financial responsibility and technical ability of the applicant and operator to carry out the activity sought.

- e. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
  - f. The requested or proposed date for commencement of the activity and the term of conducting the same.
  - g. The estimated cost of any structure or facility to be furnished, the proposed specifications for same and the means or method of financing such construction or acquisition or facilities.
- (2) *Consideration*: Upon the filing of such an application with the owner, it shall be immediately referred to the appropriate committee and considered at the next scheduled meeting. If no meeting is scheduled within thirty (30) days from the filing of such application, a meeting shall be called for considering same and notice shall be called for considering same and notice thereof given to the applicant. Upon consideration of the application, the owner shall determine whether or not the applicant meets the standards and qualifications as herein established and whether or not such application should be granted in whole or in part.
- (3) *Preparation of business agreement*: Upon approval of any such application in principal, the owner shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions under which the activity shall be conducted.
- (4) *Return of rejected application*: Any rejected application shall be returned to the applicant within ten (10) days of the rejection with a written explanation of the reasons for rejection.
- (5) *Proof of financial solvency and business ability*: All persons doing business at the airport must show financial solvency and business ability to the satisfaction of the owner.
- (6) *Public liability insurance*: All persons doing business at the airport shall be required to obtain and keep in force at all times, during the conduct of such business at the airport, public liability insurance in the amounts provided by the written contract with the owner.
- (7) *Construction to comply with standards*: All construction required herein shall be in accordance with design and construction standards established by the owner for the facility involved.
- (8) *Determination of conformance*: The owner shall determine substantial conformance to the standards for fixed base operators. No fixed base operator shall be allowed to operate on the airport without a fully executed written lease agreement with the owner.
- (o) *Open flame operations*: No person shall conduct any open-flame operations in any hangar or on the airport unless specifically authorized by the manager and in accordance with NFPA standards, excluding hot air balloons as defined in FAR 1-1 (General Definition). Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty (50) feet of any aircraft and within fifty (50) feet of hangers, fuel trucks, or fuel-loading stations and tank farms. No person shall smoke, carry or possess a lighted item or equipment capable of causing an open flame, in or about any loading area, building or fueling area where appropriate signs to that effect have been posted. No person shall start any open fires of any type, including flare pots, torches or fires in containers formerly used for oil, paint and similar materials on any part of the airport without permission.

- (p) *Tobacco*: No person shall smoke on the airport apron, in any hangar or shop, service station area, gasoline storage area, or in any building, room or place on the airport where tobacco is specifically prohibited by appropriate signage.
- (q) *Accidents*: All persons involved in any accident; personal, aircraft, or automotive, occurring on the premises of the Richard B. Russell Airport shall advise the airport manager, make a report to the police department as soon as possible, giving all pertinent information as requested by the officer in charge, and comply with appropriate FAA and Georgia DOT reporting requirements. The pilot or operator of any aircraft involved in any accident shall be responsible for the prompt disposal of aircraft wrecked or disabled at the airport and parts of such aircraft as directed by the airport manager; in the event of failure to comply with such directions, such wrecked or disabled aircraft and parts may be removed by the airport manager at the operator's expense and without liability for damage which may result in the course of such removal.
- (r) *Picketing, marching, demonstrations*: No person may walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the airport except in or at a place specifically assigned by the airport manager for picket line or other permitted public demonstrations. Any such picketing shall be conducted in a peaceful orderly manner, without physical harm, molestation, threat or harassment of persons, without violence, breach of the peace or any other unlawful conduct, without obstructing the use of the airport by others and without hindrance to or interference with the proper, safe and efficient operation of the airport, and the activities conducted thereon. All permits required by law for public demonstration shall be required for such demonstrations on airport property.
- (s) *Use of sound-amplifying devices*: Sound trucks and amplified audio machines shall be prohibited on the airport, except when required for special occasions and ordered by the proper county authorities and designees.
- (t) *Building requirements and ground rentals*: Any person desiring to erect or construct any building on the airport shall be required to submit plans and specifications for the same to the county airport commission. The plans shall also include a general layout, drawn to scale, showing the desired amount of ground actually required for the operation of such building in addition to the portion occupied by the building proper. Doors on all buildings shall not protrude or extend beyond the building line as established by the county and/or the airport commission.

All buildings erected upon the airport shall conform to the building code requirements of the county and be approved by the bureau of fire prevention in accordance and meeting NFPA minimum standards. They must be of either steel, concrete, masonry or other fireproof construction. Temporary permits may be granted for a period not to exceed one (1) year, to construct temporary shelter in a space to be designated by the airport manager. Such temporary building must be removed at the expense of the owner with ten (10) days notice in writing by the airport manager. Waivers of this section may be granted only by approval of the county airport commission. State approval should be acquired on all airport construction and FAR Part 77 requires that the FAA be notified and Form 7460-1 must be completed and forwarded to the FAA Airports District Office, as described in FAA AC 70/7460-1 E. No crane shall be erected on airport property or within a four-mile radius

from the center of the airport without approval of the airport manager and an approved FAA form 7460-1 . When plans have been approved by the county board of commissioners the lease may be entered into at the rate prescribed.

Lands within the reservation of the airport are a limited and valuable commodity. It is the policy of the county and Richard B. Russell Airport, that no land or building space in excess of foreseeable requirements will be leased to any person. Additional areas may be added to existing leases of persons upon application and upon showing of need and subject to availability.

All future leases will be made on a space available basis at a commercial rate and in compliance with the Richard B. Russell Airport Plan.

- (u) *Trash containers:* No person shall keep unsafe trash containers in any area. No vehicle used for hauling trash, dirt, or any other material shall be operated on the airport unless such vehicle is constructed so as to prevent the contents thereof from dropping, blowing, sifting, leaking or otherwise escaping therefrom. Areas to be used for trash or garbage containers shall be designated by the manager and no other areas shall be used for this purpose. Tenants and other persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles and unsightly objects. If, after warning by the airport manager, the area is not cleaned, cleaning will be done by the airport manager and billed to the tenant or other persons.
- (v) *Storage of inflammable substances or equipment; violation of fire codes:* No tenant or lessee on the airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property. No person shall store material or equipment, use inflammable liquids or gases or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the airport.
- (w) *Maintenance:* All tenants shall be required to maintain their leased property in a condition of repair, cleanliness and general maintenance in a manner agreeable to the county airport commission and in accordance with their individual lease agreements and free from all fire hazards.
- (x) *Fire equipment:* All commercial operators shall supply and maintain such adequate and readily accessible fire extinguishers as are provided for fire underwriters and in accordance with NFPA minimum standards for the particular hazard involved. Tenants of all hangers and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in good condition as recommended by the fire chief and inspected at least every twelve (12) months by trained personnel. Fire equipment on the airport shall not be tampered with at any time or used for any purpose other than firefighting and fire protection.
- (y) *Structural and decorative changes:* No tenants, lessees or grantees will be permitted to effect structural or decorative changes or additions of any type without prior permission and approval of the county airport commission.
- (z) *Damages:* Tenants, lessees and grantees shall be fully responsible for all damages to buildings, equipment, real property and appurtenances in the ownership or custody of the county airport commission caused by negligence, abuse or carelessness of their employees, agents customers,



visitors, suppliers or persons with whom they may do business. No person shall destroy, deface, damage or disturb in any way any building, sign, equipment, marker or other structure, tree, flower, lawn or other property on the airport. Any person, committing such an act shall be liable for the reasonable value of the property so damaged or destroyed.

- (aa) *Metering*: Each tenant shall acquire utility meters for the purpose of accurately measuring gas, water and electrical power used by the tenant, as applicable, otherwise the tenant will be charged the flat rate fees for these utilities as prescribed by the county airport commission, unless otherwise included with lease fee.
- (bb) *Payment of charges*:
- (1) All billings are payable upon presentation unless otherwise noted thereon.
  - (2) All percentages or income charges are payable within thirty (30) days of the end of the accounting period or the usual and normal late charges and collection fees will be assessed.
- (cc) *Animals*: No person shall enter the movement area of the airport with a dog or other animal except seeing-eye dogs on duty, or dogs or other domesticated animals to be properly transported by air and restrained by leash or properly confined, nor shall any person owning or in charge of such dogs or animals permit same to wander upon the airport unrestrained.
- (dd) *Excavations*: No person shall dig holes, trenches or do other excavation work on the airport or airport property, unless prior approval is granted by the airport manager.
- (ee) *Lost articles*: Any person finding lost articles at the airport shall turn them over to the office of the airport manager.
- (ff) *Transporting explosives, etc*: No person shall transport on airport property any explosives, flammable or combustible materials or liquids, or readily flammable solids or oxidizing materials or any radioactive substances or materials, at any time, place or condition, so as to endanger unreasonably persons or property without first coordinating and obtaining the airport manager's permission in each instance.
- (gg) *Log to be kept; information to be shown*: Each fixed base or storage hangar operator shall keep a log of the visiting or itinerant aircraft serviced by him or using his facilities on the airport during the hours of operation. The log shall contain the following information: (See Exhibit 1-1 to Ordinance No. 1999-005A.)
- (1) Date and time of arrival/departure.
  - (2) Make and model of plane, and the registration number.
  - (3) Type of fuel purchased.

(Ord. No. 1 999-005A, 12-28-99)

#### **Sec. 2-3-4. - Airfield operations.**

- (a) *Deviation from rules*: The rules set forth in this section may be deviated from when an immediate emergency presents itself that requires such deviation in the interest of safety.

- (b) *Generally*: All aircraft in flight within the airport traffic area or in motion or parked on the Richard B. Russell Airport shall operate in accord with the following rules and regulations and be governed by the current federal aviation regulations and other federal and state aeronautical regulations as may apply.
- (1) Except for emergency landings, the airport manager may prohibit aircraft landing and taking off at any time and under any circumstances when he deems such landings and takeoffs are likely to endanger persons or property.
  - (2) In the event the airport manager believes the conditions of the airport to be unsafe or safe for landings or takeoffs, it shall be within his authority to issue a NOTAM to close or open the airport, or any portion thereof.
  - (3) All users engaging in known aeronautical activities will comply with the instructions and regulations contained herein.
  - (4) No aircraft engine shall be started or run unless a competent operator is in the aircraft attending the engine controls. Chocks will be used unless the aircraft is provided with adequate parking brakes which are fully engaged.
  - (5) No person shall run the engine or engines of any aircraft at any location on the airport in such manner as to cause damage to other aircraft or property or in such a manner as to blow paper, dirt, or other materials across taxiways or runways in such manner as to endanger the safety or operations on the airport.
  - (6) Aircraft engines will be warmed up at RPMs above normal idle only in places approved for such purposes by the airport manager. At no time will aircraft with engines running or engines being tested be left unattended by any person. At no time shall engines be warmed up at RPMs above normal idle or operated when hangars, shops, offices, buildings, persons, equipment, passengers or aircraft landing, parked or taking off are in the path of the propeller stream or jet engine exhaust. Starting of engines shall be prohibited until proper clearance has been ascertained and until all standard safety procedures have been met.
  - (7) No aircraft shall be operated on the surface of the Richard B. Russell Airport in a careless or negligent manner or in disregard of the rights and safety of others.
  - (8) No person shall park an aircraft or leave the same standing on the public landing area, public aircraft ramp and apron area, public aircraft parking and storage area, except at such places as may be prescribed or permitted by the airport manager. When in such an area, every aircraft shall be adequately tied down. The landing gear of every such aircraft shall be chocked with at least two (2) wheel blocks or other approved devices, except in cases where, in the opinion of the airport manager, proven procedures such as those followed by the scheduled airlines are equally safe. Upon direction from the airport manager, the operator of any aircraft shall move said aircraft from the place where it is parked or stored to any other designated place; if the operator refuses to comply with such direction, the airport manager may tow said aircraft to such designated place at the operator's expense, and without liability for damage which may result in the course of such moving.

- (9) No person or firm shall do major repair on aircraft, in any area of the airport other than that specifically designated for such purposes by the airport manager, except that minor adjustments may be made while the aircraft is on a loading ramp preparatory to departure. No fuel shall be placed in any aircraft by any person or company except by authorized vendors of aviation fuel so authorized for this operation by the county airport commission or except as permitted in writing by the county airport commission.
- (10) Any person damaging any light or fixture shall report such damage to the airport manager's office immediately and shall be fully responsible for any costs required to repair or replace the damaged facility.
- (11) Any use of fire extinguishers must be promptly reported to the airport manager so that extinguishers and other items can be serviced without delay.

(c) *Taxiing rules:*

- (1) No person shall taxi an aircraft until he has ascertained, by visual inspection of the area, that there will be no danger of collision with any person or object in the immediate area.
- (2) No fixed wing aircraft shall be operated on the airport paved or turf surfaces unless it is equipped with a tail wheel or nose wheel, wheel brakes, or tail skid, except with the permission of the airport manager. When any pilot of an aircraft that is not equipped with adequate brakes receives permission from the airport manager to taxi such aircraft, such pilot shall not taxi such aircraft near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot; provided, that an aircraft with wings and tail higher than five (5) feet from the ground, and without adequate brakes, shall not be taxied on the airport, but shall be towed if it is necessary to move such an aircraft.
- (3) Aircraft awaiting takeoff shall remain clear of the runway in use and in a position so as to have a direct view of aircraft approaching for landing.

(d) *Landings and take-offs:*

- (1) All activities, which are of an aeronautical nature and all flying of aircraft departing from or arriving at the airport, shall be conducted in conformity with the current pertinent provisions of the regulations issued by the county board of commissioners.
- (2) All aircraft at the Richard B. Russell Airport will conform to the traffic patterns promulgated by the county board of commissioners.
- (3) Traffic patterns and landing direction shall be in such a manner as to not endanger other aircraft landing or taking off and will be advised by the local common traffic advisory frequency when in operation. At all other times the landing direction will be as indicated by the wind cone. During calm or zero wind conditions, pilots are encouraged to land to the north, using Runway 01 .
- (4) Simulated forced landings within the airport traffic area must be done with great care.
- (5) Operators of aircraft so equipped are recommended to transmit their intentions on the UNICOM or the common traffic advisory frequency of 123.0 when operating on the airport or in its airspace.

- (e) *Disabled, derelict aircraft:* Upon demand made by the airport manager to the owner or operator of any abandoned, disabled or derelict aircraft or parts thereof, wrongfully or improperly left upon airport property, it shall be the duty of said owner or operator to remove the same at his own expense. If after such demand said owner or operator fails or refuses to remove such aircraft within a reasonable time as determined by said manager from the circumstances and condition of hazard created by reason of the presence of such aircraft at such place, the said manager shall cause the same to be impounded, stored, or donated to the county. The cost of such removal and storage shall be a charge against the owner or operator of such aircraft, and upon the payment of said charge, the impoundment herein provided shall be released and possession of said aircraft shall be restored to said owner or operator.
- (f) *Damage to airport:* The owner or operator of any aircraft which by reason of any type of accident, crash, or fire, or which by reason of malfunction or operation, causes any damage to airport property shall be responsible to the county board of commissioners for such damage, and the amount thereof shall be ascertained by the county board of commissioners which shall make demand upon said owner or operator for payment thereof. In the event of the failure or refusal of said owner or operator to pay the amount of such claim for damage, a full report of the circumstances on which said claim is based, together with a copy of said claim, shall be turned over to the counselor, who shall, when directed by the county attorney, institute in the name of said county airport commission all necessary legal proceedings for collection of said claim.
- (g) *Security of aircraft:* The county police department makes regular patrol checks of the airport and aircraft tie-down areas in accordance with an agreement with the county airport commission. However, when, in the opinion of the owner, the kind, type, mission and donation of an aircraft make it necessary to provide security guards or policemen wherever the aircraft is located on the airport, the owner of the aircraft shall be responsible for obtaining, providing and maintaining its own security guards or policemen after permission to establish such security has been obtained from the airport manager or his duly authorized representative. Security requirements shall not be used as a means to hinder or delay removal of aircraft at the direction of the airport manager.
- (h) *Stunt flying; acrobatics:* Except for public displays of aviation flight specifically authorized by the county airport commission to be conducted under responsible auspices and control, violations of any of the following provisions shall be illegal and an offense:
- (1) No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others by buzzing, diving or low-altitude flying.
  - (2) No person shall engage in acrobatic or stunt flying over congested areas or over an open air assembly of persons or below an altitude of five hundred (500) feet above the surface unless appropriate waivers from the FAA have been obtained.
- (i) *Categories of aircraft:* Final determination as to the proper category designation of any aircraft shall rest with the county airport commission, in accordance with the following:
- (1) ) *Private:*

- a. Privately owned aircraft will be operated noncommercially by owner or owners. The aircraft can be used in connection with the owner's business in a manner comparable to the owner's use of his private automobile. Company and corporation owned aircraft that are operated for the transportation of their and other personnel and/or products are classified as private aircraft.
  - b. *Flying clubs.* A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating those aircraft. Such operation is not considered to be commercial in nature when so operated; neither is flight instruction by club members for other club members to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. Club aircraft must be owned and operated by a non-profit partnership or non-profit Georgia corporation, and each club member must be a bona fide owner of a part of the aircraft or a share in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of its aircraft and will file and keep up to date with the airport manager a list of membership. At any time the airport manager has reason to believe that a club aircraft is being so operated that it falls under the "commercial" classification hereunder, he shall so notify the club and if they fail to remedy conditions complained of, the airport manager shall reclassify the aircraft and levy fees necessary to the pertinent type of operation.
  - c. *Aircraft of sale.* New or old aircraft held for sale may be demonstrated to prospective purchasers, or, when sold, may be used to instruct the new owner of their operation.
- (2) *Commercial: Aircraft used:*
- a. To carry passengers for hire.
  - b. For rental, hire or charter.
  - c. Flight instruction and its kindred occupations.
  - d. Any aircraft used for commercial purpose including aerial application and not otherwise covered in these regulations.
- (j) *Balloons and mode/ aircraft:* No person shall operate or release any model aircraft, rocket, kite, balloon or similar contrivance at or upon the airport except hot air balloons as defined by FAR 1-1.
- (k) *Parachute jumping:* The FAA has defined "parachute jumping" as an aeronautical use. Consequently, requests of clubs, organizations and individuals to establish a drop zone within the boundaries or reservation for the airport shall be evaluated by the airport manager on the same basis as other aeronautical uses of the airport. The airport manager shall not be required to permit or allow any request to establish a drop zone for parachute jumping within the boundaries of the airport. However, the airport manager shall exercise his judgment or discretion in determining whether to permit, allow or disallow such request based on information contained in the application to establish a drop zone or carry on parachute jumping activities within the boundaries of the airport and considering safety to applicants and the public making other use of the airport and the FARs and advisory circulars or other FAA guidance at the time and date of request and at the time of the

proposed activity. The airport manager shall require written application from any person, club or organization requesting a permit to establish a drop zone or to carry on parachute jumping activities within the boundaries of the airport. The form shall be as prescribed by the airport manager but shall minimally contain the following information:

- (1) The address of the individual who will be directing and in charge of the parachute jumping activity who is hereinafter referred to as the "drop zone operator";
- (2) The time within which the parachute jumping activity is to be carried on;
- (3) The names and addresses of all individuals who will either fly aircraft or participate in any way in the parachute jumping activity.

All persons engaging or participating in any way in such parachute jumping activity shall provide or be covered under a policy of liability insurance indemnifying the county commission and airport commission, its officers, agents, attorneys and employees by proper endorsement for any and all liability to any person either participating or otherwise for bodily injuries or property damage in an amount not less than one million dollars (\$1,000,000 combined single limit. The policy or certificate of insurance shall be on file with the airport manager prior to commencement of the parachute jumping activity.

The airport manager shall require any person engaging or participating in any manner in the parachute jumping activity to execute a personal waiver and release of liability in favor of the county commission and the airport commission, their respective officers, agents, attorneys and employees. The airport manager is authorized to promulgate rules and issue such other requirements for establishment of a drop zone or carrying on parachute jumping activities within the boundary of the airport as are not inconsistent with the provisions of these rules and regulations, the Federal Aviation Act, and applicable FARs promulgated pursuant thereto.

Upon application to establish a drop zone or to carry on parachute jumping activities within the boundaries of the airport as approved by the airport manager the following minimum requirements shall apply to such permit or allowance:

- (1) The drop zone shall not conflict with landing aircraft;
- (2) The drop zone shall meet all requirements set up by the FAA and USPA;
- (3) There shall be a USPA certified jumpmaster, instructor, instructor examiner, or safety and training advisor directing all parachute jumping activity;
- (4) The drop zone operator shall keep a written record of each jump including aircraft used in carrying on the parachute jumping activity; the name(s) and telephone number(s), current address(es) and pilot certificate number(s) of the pilot in command of the aircraft used in the parachute jump activities, and the name(s) and address(es) of all parachute jumpers on each lift.
- (5) The pilot-in-command of the aircraft used in carrying on the parachute activity, shall, announce a parachute jump at two (2) minutes prior to jumping, then, announce "jumpers away" at time of jump. Jump pilot shall remain in the air until all jumpers are on the ground and announce, "all jumpers on the ground," prior to landing.

- (6) The airport manager has the right to conduct periodic inspections of records, aircraft, and rigs to ensure compliance with F.A.R. Part 105.

No parachute jumping activity shall take place in an aircraft not properly certified for airworthiness. While carrying on any parachute jumping activity the jump master and pilot in command of the aircraft used in carrying on the parachute jumping activity shall maintain two-way radio communication with the airport UNICOM. The jumper, jumpmaster, drop zone operator, and the pilot-in-command of the aircraft used in the parachute jumping activities shall be responsible, jointly and severally, to comply with the provisions of FAR 105. All loading and unloading of jumpers on the ground will be only be conducted in areas approved by the airport manager and well off the runways and taxiways.

All parachute jumping activity permitted by the airport manager shall be conducted within the conditions and limitations set forth by the airport manager in the written permit to the person, club or organization requesting to establish the drop zone or carry on the parachute jumping activity. In the event radio communications is ever lost between jump master and the pilot-in-command for the parachute jumping activity and airport UNICOM, there shall be no parachute drop until communication is re-established and verbal permission to commence parachute drop is given by airport UNICOM.

Any club applying to establish a drop zone or a permit to engage in parachute jumping activity within the boundaries of the airport must show that the club is an official United States Parachute Association (USPA) affiliated club in good standing; that all jumpers listed to participate in the parachute jumping activities have subscribed to all rules, policies and regulations of the United States Parachute Association (USPA). It shall be the responsibility of the drop zone operator and the jump master to insure that all United States Parachute Association rules and regulations are complied with throughout the carrying-on of the parachute jumping activity.

It is the decision of the airport manager to allow, permit or disallow jumping activity on a day to day basis and on any certain day in the event it may be dangerous to other aeronautical activity or other operations on the airport.

The decision of the airport manager to allow, permit or disallow an application to establish a drop zone or the carrying on of parachute jumping activities shall be final and constitute the decision of the county commission and airport commission and there shall be no appeal through the county or the authority of the decision of the airport manager in this regard.

- (l) *Air shows*: No air meets, aerial demonstrations, parachute jumping or other special activities shall be held at the airport unless prior permission and air show waiver is obtained from the FAA and the county airport commission, and no such permission shall be granted unless the applicant has deposited with the airport management proof of the FAA authorization and either a policy or a certificate of insurance protecting Floyd County and any third party against loss or damage due to such event and indemnifying the county against liability to any third persons resulting therefrom. This insurance shall be in amounts deemed satisfactory by the county airport commission.
- (m) *Gliders and glider tow aircraft*: No person shall operate a tow aircraft at or upon the airport without prior written approval of the airport manager; and while so doing must:

- (1) Maintain and use an operating aircraft communication radio in the tow aircraft prior to each operation such as taking off the runway, beginning the tow, departing the airport traffic pattern releasing the glider, entering the traffic pattern and landing.
- (2) Broadcast the above information on the designated common traffic advisory frequency.
- (3) Advise other aircraft in the vicinity of the airport that glide operations are being conducted if not so done by the UNICOM or common traffic advisory frequency operator.
- (4) Maintain types of insurance for commercial or rental operations and for corporate or personal operations.
- (5) Each glider operator/pilot operating a glider at or upon the airport will:
  - a. Adhere to the glider traffic pattern.
  - b. Move glider clear of the runway by fifty (50) feet immediately after landing.

All personnel vehicles, equipment and objects will be so controlled by the Glider Operators as not to interfere with other operations at the airport.

Glider operators will advise the airport UNICOM operator prior to beginning operations and at the conclusion of operations of their intentions. The UNICOM operator will be requested to include this information in all traffic advisory transmissions.

- (n) *Ultralights/gyrocopters*: All ultralight vehicles shall be operated in accordance with Part 103 of the Federal Aviation Regulations and in accordance with specific policies established by the county airport commission and/or the airport manager. All gyrocopters shall follow the same rules as ultralights as set forth in this section.
- (1) If possible, each and every ultralight operator shall be equipped with a UNICOM radio in order to transmit and receive traffic advisories. If one is not available a knowledgeable observer will be located at the ultralight entry point to the runway in use to assist ultralight pilots in timing operations safely with respect to other operations.
  - (2) The observer will have and use a portable transceiver set to the applicable UNICOM frequency.
  - (3) The ultralight traffic pattern will be 500 feet AGL, and will have prior written approval from the airport manager before operations are commenced.
  - (4) The ultralight traffic pattern should be maintained well inside the normal traffic pattern for conventional aircraft operations on the cross wind, down wind, and base legs of the pattern unless otherwise modified by written directive as set forth in this section by the airport manager the ultralight pattern shall be the pattern shown on Exhibit 1-2 to these rules and regulations (Exhibit 1-2 to Ordinance No. 1999-005A).
  - (5) Ultralight operators will advise the airport UNICOM operator prior to beginning operation and at the conclusion of operations of their intentions. The UNICOM operator will be asked to include this information in all traffic advisory transmissions.
  - (6) Ultralight pilots will demonstrate to airport management a knowledge of airspace regulations and the airport operating regulations as applicable to the Richard B. Russell Airport. Satisfactory



demonstration of knowledge will include one (1 ) of the following: FAA pilot license, U.S.U.A., pilot rating, A.S.C. pilot rating or E.A.A. pilot rating. Any one (1 ) of these should be proof of competency. Also, the above organization's students licenses with a solo endorsement by an authorized instructor should be acceptable.

- (7) Each ultralight operator will maintain an aviation insurance policy of the types of insurance in the limits specified as follows:
- a. Commercial (rental) ultralight operators.
  - b. Corporate or personal ultralight operators.
- (o) *Two-seat ultralight training operations*: Two-seat training operations are authorized at Richard B. Russell Airport, provided:
- (1) The two-seat trainer used is registered as a two-seat ultralight trainer with the proper authority and must display the proper registration numbers and placards as required by the FAA exemption under which it operates.
  - (2) Two-seat ultralight instructors operating at Richard B. Russell Airport show proof of a current exemption from the FAA.
  - (3) All ultralight aircraft shall be maintained in safe and airworthy condition (not certificated) and may be grounded by the airport manager or his designated representative for unsafe conditions until such time as the unsafe condition has been corrected to the satisfaction of the airport manager or his representative.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-5. - Ground vehicles.**

(a) *Generally*:

- (1) No person shall operate any motor vehicle on the airport otherwise than in strict accordance with the applicable provisions of these regulations and applicable federal, state and county laws, codes and other similar regulatory measures, now in existence or as may hereafter be modified or amended.
- (2) It shall be unlawful for the operator of any vehicle to ignore the instructions of any official traffic sign placed in accordance with these regulations unless otherwise directed by a traffic officer.
- (3) Any person driving a motor vehicle on the airport shall operate it in such manner that it is under safe and proper control at all times, weather and traffic conditions considered.
- (4) No person shall operate a motor vehicle of any kind on the airport in a reckless or negligent manner, or in excess of the speed limits posted or as prescribed by the airport manager.
- (5) Unless otherwise posted, no person shall operate any vehicle other than authorized emergency and maintenance vehicles on the airport at a speed in excess of twenty-five (25) miles per hour.
- (6) Pedestrians and aircraft shall at all times have right-of-way over vehicular traffic. All vehicles shall pass to the rear of taxiing aircraft.

- (7) No persons operating a motor vehicle on the airport shall fail to give proper signals, or fail to observe the directions of posted traffic signs. No person under the influence of alcohol or other drug substances shall operate a motor vehicle or aircraft on the airport.
- (8) No person shall ride on the running board, stand up in the body of moving vehicles, ride on the outside of a vehicle, or with arms or legs protruding from the body of motor vehicles, other than crash, fire and I vehicles designed for standing personnel.
- (9) No person shall operate motor vehicle upon the airport which is so constructed, equipped or loaded or in such physical or mechanical condition as to endanger persons or property, or which has attached thereto any object or equipment which is being towed, or drags, or swings, or projects so as to be hazardous to persons or property.
- (10) No person shall operate a motor scooter, truck or other motor vehicle in any hangar on the airport without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame.
- (11) When parking or driving in the proximity of an active runway, all vehicles must maintain a distance of at least two hundred (200) feet from the centerline of the runway at all times.
- (12) Before crossing runways or taxiways, drivers must insure by personal observation that no aircraft is approaching his position.
- (13) Emergency conditions existing at any time on the airport air operations area will not mitigate or cancel these regulations. During such conditions, the driver of any vehicle, civilian or military, will make certain that he does not move his vehicle in any direction unless specifically cleared to do so by the appropriate authorities. The airport manager or officer-in-charge shall determine when normal operations may be resumed.
- (14) The airport manager is authorized to install such traffic control signs on the airport as may be necessary in order to properly control and regulate vehicular traffic with approval of the county airport commission.
- (15) Any person found to be in violation of vehicular traffic or parking regulations as specified herein may be denied permission by the airport manager to operate a vehicle upon the airport premises.
- (16) No person shall clean or make any repairs to vehicles anywhere within the airport boundary other than in shop or other areas designated for such purposes, except minor repairs necessary to remove such vehicles from the airport, nor shall any person move, interfere or tamper with any vehicle or put in motion the engine or take or use any vehicle part, instrument or tool thereof without permission of the owner or satisfactory evidence of the right to do so presented to the airport manager.
- (17) Heavy trucks in excess of twelve thousand five hundred (12,500) pounds single axle load will not be permitted on runways or taxiways without the airport managers approval. A fine of fifty dollars (\$50.00) and the cost of repairing any damage caused by such truck will be levied against the operator of said truck.

- (18) All ground vehicles operating on active air operations surfaces must display a checkered flag in accordance with FAA AC 1 50/5210-5.
- (19) Individuals, partnerships and corporations basing their aircraft at the airport may drive ground vehicles to and from their aircraft as necessary as long as the privilege is exercised with reasonable care and caution.

(b) *Public parking:*

- (1) No person shall park a motor vehicle for loading, unloading or any other purpose on the airport other than in the areas specifically established for parking, and in the manner prescribed by signs, lines or other means. No person shall abandon any motor vehicle on the airport. No person shall park a motor vehicle in a manner which obstruct roadways, nor in aircraft parking areas.
- (2) No person shall park a vehicle in any space marked for parking in such a manner as to occupy part of another marked space, nor shall any person park or stand any vehicle in any reserved or restricted areas so marked.
- (3) Person or persons found in violation of these regulations pertaining to parking shall be cited for traffic violations under the applicable provisions of county ordinances.
- (4) Parking in designated public parking areas is open to all members of the public using the airport.
- (5) All employees of organizations and agencies having tenancy in the airport's building areas shall park private vehicles in the employees' parking lots, if provided, or in areas so designated by the airport manager or organization/agency.
- (6) All individuals, partnerships and corporations operating taxicabs, limousines or buses on the airport for the purpose of transporting persons or passengers for hire shall comply with the following:
  - a. All taxicabs, limousines and buses shall be parked in such manner and in such areas as may be designated from time to time by the airport manager or the county airport commission.
  - b. The airport manager may designate airport areas for the parking, loading, and unloading of courtesy cars. Operators of courtesy cars shall be required to use said areas, and for said purposes only.
- (c) *Impounding of vehicles*: The airport manager shall have the right to move and to impound any vehicle parked on airport premises in violation of applicable rules and regulations. Any such vehicle may be released to the owner or operator thereof upon proper identification of the person claiming it and upon payment of all towing, storage, and parking fees. Neither the county nor its employees will be liable for damage or theft to the vehicle which might result during the act of removal or subsequent impounding.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-6. - Marking and lighting unserviceable areas including closed runways and taxiways.**

- (a) *Generally*: Application of the standards and practices contained in the appropriate FAA Advisory Circular, "Marking of Paved Areas on Airports," apply when there is a closed or hazardous area on the airport or when a deceptive area exists and the airport manager determines that an operational need exists to mark same. Replace or modify as soon as possible existing markings that are not in accordance with those described in the advisory circular.
- (b) *Hazardous and unserviceable parts of the air operations area*:

- (1) Where a relatively small paved area has failed or for any other reason becomes hazardous for aircraft operation and it is not intended to close the entire area to operations, use red flags not less than 18 inches square for day marking and use red lights for night marking to delineate the hazardous area. When flags are made of fabric, use a wire stiffener to hold the flag in an extended position. Mount flags so they are not a hazard.
- 1 7/34
- (2) Where large apron areas are unserviceable, place a cross, as shown by the appropriate FAA advisory circular, in the center of the unserviceable area. If this type movement area is used at night, place red lights to delineate unserviceable parts of the area.
  - (3) On runways or taxiways where the unserviceable area is such as to render the runway or taxiway or portion thereof unusable, place red lights at the entrance to such areas and disconnect controls to the runway or taxiway lights in the section rendered unusable.
  - (4) Use red lights of at least ten (10) candlepower for night marking of unserviceable parts of the movement areas. Red lights with a light distribution equivalent to a fixture meeting the requirements in AC 1 50/5345-2, Specification for 1--180 Obstruction Light, are acceptable.
- (c) *Closed airports:* When the entire air operations area is rendered unsafe by a hazardous condition, declare the field closed and mark as follows:
- (1) Day marking: Place a cross at a central location readily visible from the air. Make all crosses in accordance with FAA Advisory Circular 1 50/5340-1 D, "Marking of Paved Areas on Airports."
  - (2) Night marking: Disconnect controls to runway, boundary, and landing direction indicator lights. Permit the beacon to remain in operation unless the airport is to be closed permanently, in which case the appropriate FAA regional director should be notified before extinguishing the beacon.
- (d) *Color:* Use aviation yellow for all deceptive, closed, and hazardous area markings.
- (e) *Notification:* Immediately report closed runways and taxiways, airport hazardous areas and closed airports to the Atlanta Flight Service Station (404-691-1474).
- (f) *Safety during construction:* These guidelines apply to all construction work which may affect the movement of aircraft:
- (1) Prior to the development of contract specifications for construction activity affecting aircraft movement areas, safety requirements relating thereto should be coordinated between the airport management and appropriate representatives of the FAA to determine the restrictions required for the project's special provisions, which should result in a minimum of interference to aircraft operations.
  - (2) For construction activity to be performed in other than active operational areas, the storage and parking of equipment and materials when not in use or about to be installed should not encroach upon active operational areas. In protecting operational areas, the minimum clearances maintained for runways will be in agreement with FAR Part 77. For taxiways, maintained clearances will not be less than fifty (50) feet from the pavement edge.

- (3) Open-flame, welding, or torch cutting operations are to be prohibited unless adequate fire and safety precautions have been made and approved by the airport management.
- (4) Open trenches, excavations, and stockpiled material at the construction-site will be prominently marked with red flags and lighted by red light units (acceptable to the airport manager) during hours of restricted visibility and/or darkness.
- (5) All vehicles will be clearly identified for control purposes, by assigned numbers prominently displayed on each side. The identifying symbols should be eight-inch minimum, block-type characters of a color easily read on a contrasting background. They may be applied by use of tape or water soluble paint to facilitate removal.
- (6) All vehicles will follow routes and roadways selected by the airport manager or his representative and stay clear of areas adjacent to NAVAIDS that if traversed could cause emission of false signals or failure of NAVAIDS. These sensitive areas will be identified and clearly marked by the airport engineer.
- (7) The county engineer will identify and mark with yellow flags the location of all utilities in the construction areas that if interrupted, could cause failure of a facility or NAVAID.
- (8) The airport manager will issue the necessary notices to airmen, (NOTAMs), to reflect hazardous conditions. NOTAMs will be kept current and reflect the actual condition with respect to construction situations, active NOTAMs will be reviewed periodically.
- (9) Frequent inspections will be made by the airport manager during critical phases of the work to insure that the contractor is following the recommended safety procedures.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-7. - Bird hazard reduction and sanitary landfills.**

- (a) Birds are not a current hazard; however, trees located around the Richard B. Russell Airport are potential bird nesting sites. Periodic checks of the trees in the immediate area will be conducted by the airport manager or his representative to assure that these areas have not become nesting areas.
- (b) In the event the trees become nesting sites, proven effective measures will be taken to eliminate the possible hazard this condition would create to operating aircraft. Such measures may include arming personnel with shotguns with authority to kill or drive away the birds, the use of bio-acoustics, habitat manipulation, removal of attractants, bird distress calls, chemical repellents and/or the use of pyrotechnics.
- (c) Visual surveillance for birds will be maintained by the operations personnel. All operating aircraft will be notified on the common traffic advisory frequency, of any flocks of birds detected.
- (d) Quantities of FAA Form 3830, Bird Strike/Incident, will be maintained in the flight operations office and strikes reported in accordance with FAA regulations.
- (e) During the migratory season special watch will be maintained to detect birds in the airport surveillance area with assistance from the U.S. Department of Interior, Fish and Wildlife Service and/or the Georgia

Department of Transportation, Bureau of Aeronautics and the Georgia Department Natural Resources.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-8. - Violation of rules and regulations.**

- (a) *Default of obligations:* When any tenant, user or grantee is formally notified that he is held in default of any written or implied obligation to Richard B. Russell Airport, whether it be for breach or performance of service covenants or non-payment, he shall thereafter be billed for all losses of revenue, expenses incurred to re-establish performance or service, and other costs unless the tenant, user or grantee files with the county airport commission within ten (10) days of receipt of the formal notification a statement that corrective or preventative measures have been initiated and will diligently be carried to completion. If the promises contained in the statement are not fulfilled, the tenant, user or grantee will be considered in absolute default and appropriate legal steps shall be taken.
- (b) *Violation:* Violation of these rules and regulations shall subject the offender to administrative action as provided below and to legal action by the county court or punishment as provided under Georgia Criminal Law. A violation of each and every rule, regulation or order shall be considered a separate offense.

Any person who fails or refuses to comply promptly with the rules and regulations contained herein following notices of violation by airport authorities, where such non-compliance interferes with the management, regulation or operation of the airport and its facilities or creates any hazard or condition which endangers the public or airport personnel, may be promptly directed to leave the premises of the airport by the authority of the county board of commissioners. Failure to comply may be considered as either criminal mischief punishable under criminal law or criminal trespass.

"Any person, firm or corporation convicted of violating any of these rules and regulations except those which constitute Aggravated or Simplified Obstruction shall be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both. On a second or subsequent offense, he shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both."

Pursuant to Georgia State Statute R.S. \_\_\_\_\_ "Obstructing Highways of Commerce":

"Aggravated obstruction of a highway of commerce is the intentional or criminally negligent placing of anything, or performance of any act on any railway, railroad, navigable waterway, road, highway thoroughfare, or runway of an airport, wherein it is foreseeable that human life might be endangered."

"Whoever commits the crime of aggravated obstruction of a highway of commerce shall be imprisoned at hard labor for not more than fifteen years."

R.S. \_\_\_\_\_ stipulates that:

"Simple obstruction of a highway of commerce is the intentional or criminally negligent placing of anything or performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult.

Whoever commits the crime of simple obstruction of a highway of commerce shall be fined not more than two hundred dollars, or imprisoned for not more than six months, or both."

Such person may also be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the public interest. Any person deprived of the use of airport facilities must apply to the county airport commission for reinstatement of the privileges of use.

(c) *Enforcement*: The airport management, county, and state uniformed police officers or other representatives as designated by the county board of commissioners or the Georgia Department of Transportation, Bureau of Aeronautics are empowered to require compliance with these rules and regulations. No authority is either hereby expressed or implied, however, that would permit any individual other than the county board of commissioners to change, alter or amend these rules and regulations, except as provided in subsection 2-3-2(d), "Emergency powers of the airport management."

(d) *Use of other law enforcement agencies*: In the event that situations arise that are beyond the capability of regular airport personnel, outside law enforcement agencies shall be called for assistance.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-9. - Manager—Employment and qualifications.**

It shall be the duty of the county board of commissioners to employ an airport manager who shall be the administrative head of the airport and who shall be responsible for the efficient administration of the affairs of the airport commission and the airport. The appointment of the airport manager shall be subject to the approval of the board of county commissioners. The airport manager shall be an individual who is qualified by education, training and experience to perform the duties of airport manager. The airport manager shall be paid a salary as determined and fixed by the board of county commissioners. Although the airport manager shall have all of the powers and duties as set out herein, including, but not limited to, the duty to make various reports to the airport commission. However, the airport manager becomes the equivalent of a department head upon his or her appointment and as such reports directly to, and is evaluated by, the county manager.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-10. - Same—Responsibilities and duties.**

(a) *Generally*: The responsibilities, powers and duties of the airport manager shall be:

(1) To see that the rules, regulations and policies of the airport commission are enforced.

(2) To attend all meetings of the airport commission with the right to take part in the discussion, but having no vote.



- (3) To serve as secretary to the airport commission.
  - (4) To recommend to the airport commission for adoption of such measures as such manager may deem necessary or expedient.
  - (5) To keep the airport commission fully advised as to the financial condition and needs of the airport.
  - (6) To prepare for the airport commission a budget each fiscal year showing the estimated revenues and expenditures of the airport for the ensuing year.
  - (7) To hire and supervise other airport employees in accordance with the personnel policies of the airport commission and to remove any airport employees when such manager deems such removal necessary or advisable for the public good. These powers and duties shall be subject to the approval of the board of commissioners
- (b) *Enforcing rules; promulgation of rules in certain contingencies:* The airport manager shall at all times have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the airport and its operations. In any contingencies not specifically covered by these rules and regulations, the airport manager shall be authorized to make such reasonable rules, orders and decisions as may be necessary and proper. In the absence of the airport manager, the authority hereby given shall be in the person designated by the airport manager to act during the absence of the airport manager.
- (c) *Specific duties:*
- (1) The airport manager shall have the general supervision of all airport lands, buildings, equipment, facilities, including navigational aids and instruments, electronics, radio transmitters, lighting, runways, taxiways, vehicles and other fixed assets of the airport, located both on and off the airport.
  - (2) Further, it shall be the duty of the airport manager, and such manager is given full power and authority, to maintain, keep in repair, and improve, within the budget approved by the board of commissioners for such purposes, all lands, buildings, equipment and facilities, either by airport employees, agents or contracts. Further, such manager shall have the general supervision over all new construction work of any kind located at the airport.
  - (3) In the event any work is done by contract under provisions of this section, such contract shall be made only after advertisement as provided by law, with the right reserved to reject any and all proposals. Such contracts must be made and entered into only by the board of commissioners.
- (d) *Reports:* The airport commission may require the airport manager to come before it at any regular, special or called meeting and answer questions either orally or in writing; and it may require at any time from said manager written reports upon any matter involving the airport commission or the airport that it may deem proper; and said manager shall report regularly and at intervals, at least quarterly, such manager's general acts and doings on behalf of the airport commission and the airports.

**Sec. 2-3-1 1. - Employees.**

(a) *Appointment*: The airport manager shall appoint employees in accordance with federal, state, and county rules and regulations.

(b) *Benefits*: The employees shall receive the same benefits as other employees of the county.

(Ord. No. 1999-005A, 12-28-99)

**Secs. 2-3-12—2-3-29. - Reserved.****ARTICLE II. - AIRPORT COMMISSION**

## Footnotes:

Editor's note— See the editor's note to Art. 1.

Cross reference— Boards, commissions and authorities, § 1-4-1 et seq.

**Sec. 2-3-30. - Created; purpose; scope.**

(a) *Created; name*: The commission hereby created shall be the Floyd County Airport Commission.

(b) *Purpose*: The purpose of the commission is to provide for the policy, governing body and management of the airport and related properties, and for the capital and operating long-range plans and development of the airport.

(c) *Scope*: The airport commission shall govern the airport and all of the lands, buildings, equipment, facilities, instruments, terminals, runways, taxiways, hangars and navigational instruments, both on and off the airport property, in accordance with the powers granted in this article. All management and/or policy decisions made by the airport commission as set out herein shall be subject to review and/or approval by the board of county commissioners.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-31 . - Members appointments; length of terms.**

(a) Appointments for all posts shall be by the majority vote of the board of commissioners.

(b) Appointments shall be for the following terms:

Post 1: Term expires June 30, 2001

Post 2: Term expires June 30, 2002

Post 3: Term expires June 30, 2000

Post 4: Term expires June 30, 2000

Post 5. • Term expires June 30, 2003

- (c) All terms expire on June thirtieth of their respective designated years.
- (d) All terms shall be for a four-year period and until a successor is qualified and appointed.
- (e) The members who serve on the airport commission shall be subject to the length of term and the attendance provisions and policies as set by the board of commissioners. If at any time the policies of the board of commissioners conflict with the policies of the airport commission, then the policies of the board of commissioners shall prevail.

(Ord. No. 1999-005A, 12-28-99)

#### **Sec. 2-3-32. - Qualifications.**

An airport commission member must meet the following qualifications:

- (1) Be at least twenty-five (25) years of age and a resident of this county, and said residence must be maintained during membership on the airport commission.
- (2) Not have any contractual arrangement for the sale of goods or services at the time of appointment or during the term of such service, except for rental of hangar space or similar casual services of the airport. A person who owns less than ten (10) percent of any business or entity which has a contractual arrangement, as defined herein, shall be eligible for appointment and service.

(Ord. No. 1999-005A, 12-28-99; Ord. of 8-1 1-20(1), § 1)

#### **Sec. 2-3-33. - Filling vacancies.**

In the event of a vacancy from expiration of term or otherwise in any post on the airport commission, then the airport commission shall recommend two (2) people to the board of commissioners for that vacancy whether for a new term or to fill an unexpired portion of a term. The board of commissioners shall then give due consideration to the names submitted to them from the airport commission, but the board of commissioners has the sole discretion to fill the seat as they deem appropriate.

(Ord. No. 1999-005A, 12-28-99)

#### **Sec. 2-3-34. - Compensation.**

- (a) Airport commission members shall receive no compensation for service.
- (b) Members shall be reimbursed for all direct expenses approved by the board of commissioners.

(Ord. No. 1 999-005A, 1 2-28-99)

#### **Sec. 2-3-35. - Officers.**

- (a) Officers of the airport commission are as follows:

(1) Chairman.

(2) Vice-chairman.

(b) After the initial election of officers, the officers shall be elected annually in July by a majority vote of the airport commission.

(c) The chairman, or in the chairman's absence, the vice-chairman, shall preside over the deliberations of the airport commission and shall be eligible to vote on all questions. The presiding officer shall preserve order and decorum at all meetings of the airport commission.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-36. - Committees.**

The airport commission shall establish standing and temporary committees as necessary.

(Ord. No. 1999-005A, 12-28-99)

### **Sec. 2-3-37. - Meetings.**

(a) *Monthly regular meetings:* The airport commission shall hold regular meetings at least monthly at a time and day established by the airport commission by resolution.

(b) *Called meetings:* The airport commission may have special or called meetings as needed, with a minimum of twenty-four (24) hours' notice to the public and to all airport commissioners personally. A called meeting may be initiated by the airport manager, chairman, or two (2) other members of the airport commission.

(c) *Meetings open:* All meetings shall be open to the public and press, except for: (1) matters relating to specific personnel, (2) recommendations concerning land acquisition by the board of commissioners, and (3) attorney-client relationships.

(d) *Minutes:* The secretary of the commission shall keep accurate minutes of the proceedings, and shall have all doings recorded thereon and all votes taken shall be by "aye" or "no" and shall be made to appear on s, record.

(e) *Quorum:* Three (3) airport commissioners shall constitute a quorum at any meeting for the transaction of any business, and it shall require the affirmative vote of three (3) commissioners to report any measure, resolution, or contract.

(f) *Voting:* All airport commissioners present at a meeting shall vote on all issues except for a "not vote" (abstention), due to a conflict of interest. A failure to vote shall be counted as an affirmative vote for the motion. An airport commissioner who has any pecuniary or financial interest in any contract or obligation shall acknowledge such interest to the full commission before a vote on the issue. Such commissioner shall be counted as "abstaining."

(g) *Attendance:* If an airport commissioner is absent from more than twenty-five (25) percent of the meetings of the airport commission within any consecutive twelve-month period, then such

commissioner is considered to have "resigned by virtue of nonattendance." The secretary shall report the resignation to the airport commission and the board of commissioners.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-38. - Recommending rules, regulations, policies and practices.**

The airport commission shall recommend rules, regulations, policies and practices for the operation of the airport, including the landing field, taxiways, parking ramps, the terminal buildings, hangars, navigational instruments located both on and off the airport, roads and all public buildings, grounds, equipment and facilities. It shall have the power to recommend such rules, regulations and policies necessary for the peace, safety, good order, health, comfort, protection and security of said airport.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-39. - General powers.**

- (a) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding the levy and collections of fees and charges for the use of the service of the airport; and the leasing or renting of airport facilities, terminal space, hangars, tie-down space, land, buildings and equipment.
- (b) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding the contracts and arrangements for the use of airport buildings, facilities, equipment and land.
- (c) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding accepting grants, gifts, gratuities and donations for the support, improvement and operation of the airport.
- (d) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding the engagement of professional assistants, including engineers, consultants and planners to plan for the future operations and orderly improvement of the airport.
- (e) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding contracts for improvements, construction, expansion and refurbishment of airport facilities.
- (f) The airport commission shall make recommendations to the Board of Commissioners of Floyd County regarding the regulation of all commercial activities that are conducted on airport property and within the buildings and facilities of the airport.
- (g) The airport commission shall be vested with authority for the construction, equipment, improvement, maintenance and operation of the airport as the Board of Commissioners of Floyd County specifically delegate from time to time.

(Ord. No. 1999-005A, 12-28-99; Ord. No. 2007-008A, § I, 1 1-13-07)

**Sec. 2-3-40. - Master plan adoption.**

The airport commission shall have prepared and shall adopt master plans to provide for the orderly development and improvement of the airport. The master plan shall include a five-year, ten-year and twenty-year plan of improvement. Said master plan shall be kept current and in good order.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-41. - Land use and zoning authority.**

The airport commission shall have the power and duty to evaluate, comment upon, and recommend zoning and land use in and about the airport and its associated airspace. It shall be the responsibility of the airport commission to advise the board of commission of any proposed action that may adversely affect the use, operation, safety or orderly development of said airport and associated airways.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-42. - Reporting.**

The airport commission acting through the secretary shall provide the following report to the clerk of the board of commissioners:

- (1) Minutes of all regular, special and called meetings.
- (2) Monthly and other financial reports.
- (3) An annual inventory of all land, buildings, equipment, facilities, navigational instruments and other fixed assets located at the airport, having a life greater than one (1) year and a value of more than two thousand five hundred dollars (\$2,500.00).

The airport commission shall prepare, adopt and present an annual report of the past year's activities of the airport commission and of the future activities and needs of the airport commission to the board of commissioners.

(Ord. No. 1999-005A, 12-28-99)

**Sec. 2-3-43. - Fiscal and financial matters.**

- (a) *Fiscal year*: The airport shall use the same fiscal year as that of the board of commissioners.
- (b) *Budget*: The airport commission shall prepare an annual budget to provide for the operations, maintenance, repairs and capital improvements of the airport. It shall be the duty of the airport manager to prepare and recommend an annual budget for the consideration and adoption of the airport commission subject to the approval of the board of commissioners.

- (c) *Financial reporting*: The airport manager shall keep the airport commission fully advised as to the financial condition and needs of the airport on a monthly basis. The report shall include a statement of revenues from airport activities and other sources and all expenditures.
- (d) *Auditing*: The airport commission shall engage the county auditor or auditing firm, whose duty it shall be to thoroughly inspect and examine the books of the airport commission annually.
- (e) *County appropriations*: Annually, the airport commission shall submit its request for appropriation of county funds along with a tentative budget at the time requested by the board of commissioners. However, the appropriations request shall be submitted no later than October first of the year prior to the budget year of the request.

(Ord. No. 1999-005A, 12-28-99)

#### **Sec. 2-3-44. - Secretary.**

The secretary of the airport commission shall be required to keep all the books and records of the airport commission including the minutes of all meetings. The commission may designate a deputy secretary who shall serve in the absence of the secretary.

(Ord. No. 1999-005A, 12-28-99)

#### **Sec. 2-3-45. - Attorney.**

The attorney for the airport commission shall be the county attorney. However, in the event of a conflict between the airport commission and the county board of commissioners, then the airport commission is empowered to appoint a separate attorney to represent the airport commission in said matter.

(Ord. No. 1999-005A, 12-28-99)

#### **Sec. 2-3-46. - Auditor.**

The airport commission shall have the power to appoint an auditor. Said auditor is to be the county auditor or auditing firm.

(Ord. No. 1999-005A, 12-28-99)

#### **Secs. 2-3-47—2-3-59. - Reserved.**

### **ARTICLE III. - AIRPORT ZONING**

#### **Sec. 2-3-60. - Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the respective meanings ascribed to them:

*Airport:* Russell Field Airport.

*Airport elevation:* The established elevation of the highest point on the usable landing area.

*Airport hazard:* 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 taking off at the airport.

*Airport reference point:* The point established as the approximate geographic center of the airport landing area and so designated.

*Board of zoning appeals:* A board consisting of five (5) members appointed by the board of commissioners.

*Height:* For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

*Instrument runway:* 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.

*Landing area:* The area of the airport used for the landing, taking off or taxiing of aircraft.

*Nonconforming use:* Any structure, tree or use of land which is lawfully in existence at the time the regulation is prescribed in this article or an amendment thereto becomes effective and does not then meet the requirements of this article.

*Noninstrument runway:* A runway other than an instrument runway.

*Runway:* The paved surface of an airport landing strip.

*Structure:* An object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

*Tree:* An object of natural growth.

(Code 1979, § 6-3042)

## **Sec. 2-3-61. - Zones.**

In order to carry out the provisions of this article, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, noninstrument approach zones, transition zones, horizontal zone and conical zone. The areas and zones are shown on the Russell Field Airport Zoning Map consisting of one (1) sheet prepared by Williams and Sweitzer Engineers, dated August 21, 1961, which is attached to the resolution from which this article is derived and which is made a part hereof. The various zones are hereby established and defined as follows:

- (1) *Instrument approach zone.* An instrument approach zone is established at each end of the instrument runway for instrument landings and takeoffs. The instrument approach zones shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet at



a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

- (2) *Noninstrument approach zone.* A noninstrument approach zone is established at each end of all noninstrument runways on the airport for noninstrument landings and takeoffs. The noninstrument approach zone shall have a width of four hundred (400) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of two thousand four hundred (2,400) feet at a distance of ten thousand two hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- (3) *Transition zones.* Transition zones are hereby established adjacent to each instrument and noninstrument runway and approach zone as indicated on the zoning map. Transition zones, symmetrically located on either side of the runways, have variable widths as shown on the zoning map. Transition zones extend outward from a line two hundred (200) feet on either side of the centerline of the noninstrument runway, for the length of such runway, plus two hundred (200) feet on each end; and five hundred (500) feet on either side of the centerline of the instrument runway, for the length of such runway, plus two hundred (200) feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both instrument and noninstrument approach zones for the entire length of the approach zones. These transition zones have variable widths, as shown on the zoning map. The transition zones flare symmetrically with either side of the runway approach zones from the base of the zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to the instrument approach zone where it projects through and beyond the limits of the conical zone, extending a distance of five thousand (5,000) feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.
- (4) *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 seven thousand (7,000) feet. The horizontal zone does not include the instrument and noninstrument approach zones and the transition zones.
- (5) *Conical zone.* A conical zone is hereby established commencing at the periphery of the horizontal zone and extending to a distance of twelve thousand (12,000) feet from the airport reference point. The conical zone does not include the instrument and non-instrument approach zones and transition zones.

(Code 1979, § 6-3043)

**Sec. 2-3-62. - Height limitations.**

- (a) Except as otherwise provided in this article, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this article to a height in excess of the height limits herein established for that zone. The height limitations are computed from the established airport elevation and are hereby established for each of the zones in question as follows:
- (1) *Instrument approach zones.* One (1) foot in height for each fifty (50) feet in horizontal distance, beginning at a point two hundred (200) feet from the end of the instrument runway and extending to a distance of ten thousand two hundred (10,200) feet from the end of the runway; thence one (1) foot in height for each forty (40) feet in horizontal distance to a point fifty thousand two hundred (50,200) feet from the end of the runway.
  - (2) *Noninstrument approach zones.* One (1) foot in height for each forty (40) feet in horizontal distance, beginning at a point two hundred (200) feet from the end of the non-instrument runway and extending to a point ten thousand two hundred (10,200) feet from the end of the runway.
  - (3) *Transition zones.* One (1) foot in height for each seven (7) feet in horizontal distance, beginning at a point two hundred (200) feet from the centerline of noninstrument runways and five hundred (500) feet from the centerline of the instrument runway, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of one hundred fifty (150) feet above the established airport elevation which is six hundred forty-four (644) feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical height for each seven (7) feet of horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal and conical surfaces. Further, where the instrument approach zone projects through and beyond the conical zone, a height limit of one (1) foot for each seven (7) feet of horizontal distance shall be maintained, beginning at the edge of the instrument approach zone and extending a distance of five thousand (5,000) feet from the edge of the instrument approach zone measured at right angles to the continuation of the centerline of the runway.
  - (4) *Horizontal zone.* One hundred fifty (150) feet above the established airport elevation or a maximum height of seven hundred ninety-four (794) feet above mean sea level elevation.
  - (5) *Conical zone.* One (1) foot in height for each twenty (20) feet of horizontal distance, beginning at the periphery of the horizontal zone and measured in an inclined plane passing through the airport reference point.
- (b) Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.
- (c) Nothing in this article shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

code 1979, § 6-3044)

**Sec. 2-3-63. - Use restrictions.**

Notwithstanding any other provisions of this article, no use may be made of land within zones established by this article 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.

(Code 1979, § 6-3045)

**Sec. 2-3-64. - Nonconforming uses.**

- (a) *Regulations not retroactive.* The regulations prescribed by this article shall not be construed to require the removal, lowering, or other changes or alterations of any structure or tree not conforming to the regulations as of the effective date of the resolution from which this article was derived, or otherwise interfere with the continuance of any nonconforming 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 such resolution and was diligently prosecuted.
- (b) *Marking and lighting.* Notwithstanding the preceding provisions of subsection (a) of this section, the owner of any 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 county superintendent of public works or any other duly appointed official to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. The markers and lights shall be installed, operated and maintained at the expense of the county.

(Code 1979, § 6-3046)

**Sec. 2-3-65. - Permits.**

- (a) *Future uses.* Except as specifically provided in subsections (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 seventy-five (75) feet of vertical height above the ground, except where because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for the zones.
  - (2) In the areas lying within the limits of the instrument and noninstrument approach zones, but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75)

feet of vertical height above the ground, except where such tree or structure would extend above the height limit prescribed for the instrument or noninstrument 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 seventy-five (75) feet of vertical height above the ground, except where such tree or structure, because of terrain, land contour or topographic feature would extend above the height limit prescribed for the 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 article except as set forth in section 2-3-62.

- (b) *Existing uses.* No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the resolution from which this article was derived 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 building inspection department or other duly authorized official determines that a nonconforming structure or tree has been abandoned or more than eighty (80) 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.
- (d) *Variances.* Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use such person's property, not in accordance with the regulations prescribed in this article, may apply to the board of zoning appeals for a variance from such regulations. The variance 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 would do substantial justice and be in accordance with the spirit of this article.
- (e) *Hazard marking and lighting.* Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the county, at its own expense, to install, operate, and maintain thereon, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(Code 1979, § 6-3047)

### **Sec. 2-3-66. - Enforcement.**

It shall be the duty of the building inspection department to administer and enforce regulations prescribed herein. Applications for permits and variances shall be made to the building inspection department upon a form furnished by it. Applications required by this article to be submitted to the building inspection

department shall be promptly considered and granted or denied by it. Applications for action by the board of zoning appeals shall be forthwith transmitted by the building inspection department.

(Code 1979, § 6-3048)

**Sec. 2-3-67. - Board of zoning appeals.**

- (a) There is hereby created a board of zoning appeals to have and exercise the following powers:
- (1) To hear and decide appeals from any order, requirement, decision or determination made by the building inspection department in the enforcement of this article;
  - (2) To hear and decide special exceptions to the terms of this article upon which the board of zoning appeals under such regulations may be required to pass; and
  - (3) To hear and decide specific variances.
- (b) The board of zoning appeals shall consist of five (5) members appointed by the board of commissioners and each shall serve for a term of three (3) years and until a successor is duly appointed and qualified. Of the members first appointed, one (1) shall be appointed for a term of one (1) year, two (2) for a term of two (2) years and two (2) for a term of three (3) years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- (c) The board of zoning appeals shall adopt rules for its governance and procedure in harmony with the provisions of this article. Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. The chairman, or in the chairman's absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of zoning appeals shall be public. The board of zoning appeals 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 immediately be filed in the office of the building inspection department and shall be a public record.
- (d) The board of zoning appeals 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 article.
- (e) The concurring vote of a majority of the members of the board of zoning appeals shall be sufficient to reverse any order, requirement, decision, or determination of the building inspection department or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in this article.

(Code 1979, § 6-3049)

**Sec. 2-3-68. - Appeals.**

- (a) Any person aggrieved, or any taxpayer affected, by any decision of the building inspection department made in its administration of this article, if of the opinion that the decision of the building inspection department is an improper application of these regulations, may appeal to the board of zoning appeals.
- (b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of zoning appeals, by filing with the building inspection department a notice of appeal specifying the grounds therefor. The building inspection department shall forthwith transmit to the board of zoning appeals 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 building inspection department certifies to the board of appeals, 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, except by order of the board of zoning appeals on notice to the agency from which the appeal is taken and on due cause shown.
- (d) The board of zoning appeals 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, by agent or by attorney.
- (e) The board of zoning appeals may, in conformity with the provisions of this article, 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 may be appropriate under the circumstances.

(Code 1979, § 6-3050)

#### **Sec. 2-3-69. - Penalties.**

Each violation of this article or of any regulation, order or ruling promulgated hereunder, shall constitute a misdemeanor. Any person convicted of violating any provision of this article shall be punished as provided in section 2-1-8.

(Code 1979, § 6-3051)

#### **Sec. 2-3-70. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article 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.

(Code 1979, § 6-3052)

**AMENDMENTS FOLLOW -----**

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**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF FLOYD COUNTY, GEORGIA, TO AMEND THE FREQUENCY AND ATTENDANCE REQUIREMENTS OF REGULAR MEETINGS HELD BY THE FLOYD COUNTY AIRPORT COMMISSION.**

WHEREAS, the County regulates the Richard B. Russell Airport located in Floyd County, Georgia, at Chapter 2-3 of its code; and

WHEREAS, the County, pursuant to Section 2-3-2 of its code, has authority to amend its code as it pertains to the Richard B. Russell Airport; and

WHEREAS, the Floyd County Airport Commission provides the policy, governing body, and management of the Richard B. Russell Airport; and

WHEREAS, upon consideration by the members of the Floyd County Airport Commission and by the Board of Commissioners of the County, the County desires to amend (i) the frequency by which the Floyd County Airport Commission holds regular meetings and (ii) the attendance requirement for the members of the Floyd County Airport Commission at such meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE FLOYD COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:****Section 1:**

The Code of Ordinances of Floyd County, Georgia, shall stand amended by striking Section 2-3-37(a) in its entirety, and inserting in lieu thereof the following:

“(a) *Regular Meetings:* The airport commission shall hold meetings in January, March, May, July, September, and November of each year, at a time, day, and place established by the airport commission by resolution.”

**Section 2:**

The Code of Ordinances of Floyd County, Georgia, shall stand amended by striking Section 2-3-37(g) in its entirety, and inserting in lieu thereof the following:

“(g) *Attendance:* If an airport commissioner is absent from more than one (1) meeting of the airport commission within any consecutive twelve-month period, then such commissioner is considered to have "resigned by virtue of nonattendance." The secretary shall report the resignation to the airport commission and the board of commissioners.”

**Section 3:**

All laws and parts of law in conflict herewith are specifically repealed.



**Section 4:**

It is hereby declared to be the intention of the Floyd County Commission that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the Floyd County Commission without the incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 5:**

This ordinance shall become effective upon approval by the Board of Commissioners of Floyd County, Georgia.

ADOPTED AND APPROVED by the Floyd County Commission at a regularly scheduled meeting on this 13th day of June, 2023. Commissioners Watters, Bagby, Maxey, & Hancock voting "Aye" and \_\_\_\_\_ voting "No".

ATTEST: Eric Elrod  
SECRETARY,  
FLOYD COUNTY COMMISSION

BY: Allie Watters  
CHAIRPERSON,  
FLOYD COUNTY COMMISSION

